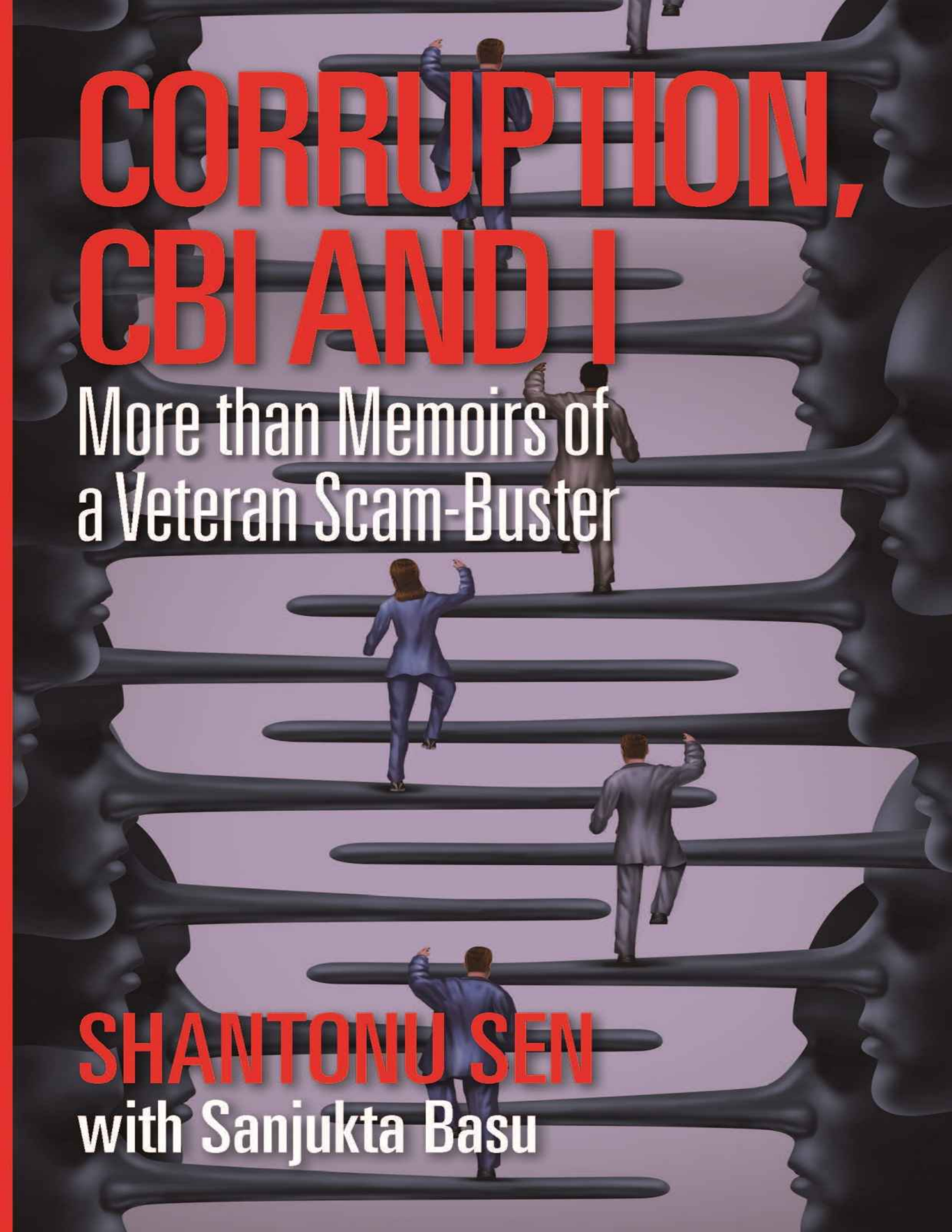

CORRUPTION, CBI AND I

More than Memoirs of a Veteran Scam-Buster

SHANTONU SEN
with Sanjukta Basu

ABOUT THE BOOK

Shantonu Sen's writing has immediacy as well as a sense of urgency. These backstories of incidents we read about in newspapers over the past 50 years could only come from a person of culture, an official of uncompromising integrity and humanity. He can look back with satisfaction on successes as well as with equanimity on work sabotaged by small-minded people. His fearlessness will inspire the young, who need to learn from him that "Every little act establishing the rule of law matters in the larger scheme of things and in making the nation great."

— Narayani Gupta
Former professor of history, Jamia Millia Islamia

This is an unputdownable thriller, make no mistake about it! At the outset it may appear to an uninformed reader as one more literary effort by a sleuth which is likely to be drab and uninteresting. He would be disillusioned very soon. Like a master craftsman, in the mould of Jeffrey Archer, Shantonu Sen adroitly mixes facts and history of the CBI to tell the story of how this institution developed into a first-rate investigative agency. He writes with the insight available only to a directly recruited officer of the CBI. Yet, it is not a book of dull and drab recitals of the achievements of the CBI. In the style of a master storyteller, Sen weaves tales of both successes and failures, of conspiracies, of politicians and crooks, of both the corrupt and the honest —all in a style that could give a complex to writers of crime fiction. Sen is a gifted raconteur and he has lots of amazing stories up his sleeves. One eagerly waits for his next book.

— Pronab Ranjan Dasgupta
Retired officer of the Indian Administrative Service

Unless one locks up his conscience, the selected stories, culled out from the long experience and exposure of Shantonu Sen to the vagaries of governance and laced with interesting anecdotes and comments, would certainly touch the hearts and minds of readers. It not only makes people understand the down-to-earth reality that the CBI is not all that autonomous and powerful as people commonly believe, but also makes them appreciate how, with grit, commitment and imagination, officers surmount several hurdles and pitfalls, stress and strain, in their quest for truth. Like a herbivore in the jungle keeping his ears and nose alert all the time to avert danger, a CBI sleuth keeps his antennae alert for fear of losing his attention on a vital clue, until a case is fully cracked, as we find in the stories competing with one another to draw our attention.

— N Dilip Kumar
Retired officer of the Indian Police Service

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authors UPFRONT | PARANJOY

Lest We Forget the Motto of the Central Bureau of Investigation

Industry, Impartiality and Integrity

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About the Author
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Abbreviations

AAP:	Aam Aadmi Party
BJP:	Bharatiya Janata Party
BCCI:	Board of Control for Cricket in India
BSP:	Bokaro Steel Plant
BSE:	Bombay Stock Exchange
BSF:	Border Security Force
CBI:	Central Bureau of Investigation
CFSL:	Central Forensic Science Laboratory
CRPF:	Central Reserve Police Force
CVC:	Central Vigilance Commission
CPIL:	Centre for Public Interest Litigation
CID:	Criminal Investigation Department
CrPC:	Criminal Procedure Code
DSPE:	Delhi Special Police Establishment
DSP:	Deputy Superintendent of Police
EOW:	Economic Offences Wing
ED:	Enforcement Directorate
FBI:	Federal Bureau of Investigation
FIR:	First Information Report
FERA:	Foreign Exchange Regulation Act
INC:	Indian National Congress
IPC:	Indian Penal Code
IPS:	Indian Police Service
IB:	Intelligence Bureau
ISI:	Inter-Services Intelligence
IO:	Investigating officer
JIC:	Joint Intelligence Committee
JPC:	Joint Parliamentary Committee

LG:	Lieutenant Governor
MMTC:	Metals and Minerals Trading Corporation of India
MEA:	Ministry of External Affairs
MHA:	Ministry of Home Affairs
NDA:	National Democratic Alliance
NFL:	National Fertilizers Limited
NTPC:	National Thermal Power Corporation
ONGC:	Oil and Natural Gas Corporation
PCA:	Prevention of Corruption Act
PMO:	Prime Minister’s Office
PIL:	Public Interest Litigation
PRO:	Public Relations Office
PNB:	Punjab National Bank
RAW:	Research and Analysis Wing
RBI:	Reserve Bank of India
RTI:	Right to Information
SEBI:	Securities and Exchange Board of India
SCI:	Shipping Corporation of India
SFIO:	Special Fraud Investigation Office
SBI:	State Bank of India
STC:	State Trading Corporation of India
SAIL:	Steel Authority of India Limited
SP:	Superintendent of police
TADA:	Terrorist and Disruptive Activities (Prevention) Act
UPSC:	Union Public Service Commission
UPA:	United Progressive Alliance
WEF:	World Economic Forum
ZCI:	Zinc Corporation of India

Publisher's Note
Much More Than the Memoirs of a Veteran Scam Buster

Is corruption endemic to every society, including ours? As long as human beings cannot distinguish between their need and their greed, when individuals in positions of authority abuse their discretionary powers and as long as elected representatives treat those who have reposed faith in them not as their masters but as servants, corruption can never be curtailed (let alone, removed altogether) from any society. But there are countries that have put in place transparent systems of governance, nations / states where the powerful are relatively more accountable to the people they are supposed to govern, and where the wealthy and those who run administrations are unable to act according to their whims and fancies without attracting public anger and opprobrium. India is certainly not among such countries. Many nations across the globe have been able to better implement the rule of law as well as ensure a relatively fair and balanced working of the criminal justice system than we in this country have so far been able to.

This is a book that must be read by all who are interested in understanding the complex circumstances that cause corruption, not merely from an academic angle or from a theoretical perspective, but through the eyes of a veteran fighter against crime and corruption. Shantonu Sen worked for 33 years in the Central Bureau of Investigation (CBI), in what is supposed to be India's 'premier police investigation agency,' before retiring from the organisation in a senior position, that of Joint Director. He knows what he is talking about because he speaks from first-hand experience. Not only has he personally participated in many of the achievements and successes of the organisation, he has at the same time witnessed the degeneration of the CBI that has become an agency that has had—and continues to have—in its midst more than a fair share of individuals who

have failed to perform their duties with honesty, sincerity and diligence, persons who have overlooked egregious offences, manipulated processes, utilised loopholes in the law and bent over backwards to please their political and bureaucratic bosses.

Sen was in the first batch of officers that was directly recruited to the CBI through the Union Public Service Commission (UPSC). He was to an extent insulated from political pressures unlike many of his former colleagues from the Indian Police Service (IPS) who were affiliated to cadres of state governments. He personally handled investigations into some of the most sensitive and sensational criminal acts that have over the decades hogged headlines, sometimes for many months and years.

These investigations include those related to the operations that took place after Operation Blue Star by the Indian Army inside the Golden Temple complex in Punjab in June 1984 (that led to the assassination of Prime Minister Indira Gandhi in October that year) as well as the investigation into the assassination in Pune in 1986 of General AS Vaidya who commanded the operation. As Deputy Inspector General in charge of anti-terrorism in Punjab between 1984 and 1992, Sen investigated and prosecuted a number of separatists and militants who were accused of conventional and violent crimes.

Among the most sensational cases that were investigated by him was one of crime and passion: the 1988 murder of one of India’s best-known badminton players Syed Modi and the triangular relationship involving him, his estranged wife Ameeta and politician Sanjay Singh. Equally sensational but less known was the murder of a rich businessman in Delhi whose partner had left her husband who was a highly-decorated Army officer. Sen discusses these cases with impassionate objectivity and in the process also reveals the flaws and limitations in the working of the country’s criminal justice.

For those with long memories, and certainly those interested in the contemporary history of India, these are amazing stories of how a flamboyant shipping tycoon Jayanti Dharma Teja—who the author describes as the ‘original Vijay Mallya,’ my schoolmate who is currently an absconder from the law based in London—took the country’s law-enforcing agencies for more than a few rides in the mid-1960s; how the business group led by the then undivided Birla family had sought to evade taxes

while manufacturing textiles in a scam that was unearthed in 1975; how the country's first minister in the central government and the first senior civil servant were incarcerated in the early-1950s because of what would appear by today's standards to be relatively 'minor' misdemeanours; how the CBI arrested the controversial Union Minister Kalpnath Rai because of his association with criminals; how a relatively junior officer in the Indian Railways forged the Prime Minister's signature and almost got away with it, and; how two of the most valuable gold coins (mohurs) were taken out of the country by a member of an erstwhile royal family.

The accounts do not end there. Sen's memoirs reinforce the old adage, 'truth is stranger than fiction.' There are fascinating narratives about how film star Sanjay Dutt landed in prison for illegally possessing a weapon in 1993; the investigations into the Bombay (Mumbai) Blasts that occurred after the Babri Masjid was demolished by Hindu fanatics in Ayodhya, Faizabad, Uttar Pradesh, in December 1992, and the less-remembered serial blasts in trains across the country; the inside story of the 1991 Jain Hawala Diaries scandal that was 'deliberately' scuttled by insiders in the CBI because of the alleged involvement of high-profile politicians; about Yakub Memon's hanging in 2015 and; the 2005 case of the 'encounter' deaths of Sohrabuddin and his wife Kausar Bi.

For a number of years, Sen investigated economic offences and some of these cases have been recounted in detail in the book. The alleged involvement of the then Governor of the country's central bank and apex monetary authority, the Reserve Bank of India, S Venkitaramanan, in the 1992 securities scandal spearheaded by stock broker Harshad Mehta, is one such episode, as is the account relating to the scamster's well-connected chartered accountant (CA) MD Khandelwal. Sen never flinched from taking on the high and mighty and one such individual was the senior technocrat and former Member of the Planning Commission, V Krishnamurthy—he and his sons who were also associated with Mehta were accused of various irregularities in their financial transactions with public sector banks.

On a Personal Note

An anecdote is being narrated here. My first meeting with Sen took place when he was investigating Krishnamurthy's affairs. It was the middle of

1992 and I was then a journalist in charge of the business and economy section of the daily, the *Pioneer*, which was being edited by the redoubtable Vinod Mehta. I was taken aback when I received feelers that a certain Joint Director with the CBI wanted to meet me. This was soon after I had written a front-page article on the various controversies with which Krishnamurthy had been associated before he became a senior official in the Planning Commission of the rank of Union Minister of State, in particular, his tenure as the head of the country's biggest public sector steel manufacturer, the Steel Authority of India Limited (SAIL). A few years earlier, I had written an article on Krishnamurthy for *India Today*, a magazine I used to work for in the late-1980s. The article was based on a detailed briefing by a senior civil servant in the Ministry of Steel on the condition that I would not disclose his identity.

When I sought a meeting with Krishnamurthy, he was visibly amazed at the information I had gathered on some of his decisions as the Chairman and Managing Director of SAIL. He sarcastically wondered if I had been spending many days in Udyog Bhavan (where the Steel Ministry is headquartered) researching him. I did not have the heart to tell him that I had spent just a few hours in that imposing government building, that his critics in the Ministry had prepared a detailed dossier on him. Krishnamurthy answered the questions I raised and I went ahead and published my story.

As I entered the old building that housed the headquarters of the CBI in New Delhi's Central Government Office (CGO) complex off Lodi Road, I wondered where the torture chambers were located. Sen offered me tea in his spacious office and disarmed me with his affable behaviour. I felt suitably flattered by the attention that had been showered on a relatively junior reporter by a top cop. He had clearly read what I had written on the influential technocrat before he met me. He proceeded to pick my brains about Krishnamurthy, asked me if I had any documents to share and also quizzed me about the companies with which his two sons were linked. I had little new information to provide him. He became a friend of sorts. We had a common professional acquaintance in Aditi Roy Ghatak, the Kolkata-based business journalist and author (with whom I continue to work together).

He appeared on a television programme I used to anchor and spoke candidly about the Urea Scam with which a son of the former Prime Minister of India, PV Narasimha Rao, was associated. An American guest who happened to be present during the recording of the discussion was surprised at the candid manner in which a top police officer spoke about the import scandal (which has been detailed in the book). Sen went on to become a regular newspaper columnist and participant in television discussions on issues of corruption and the working of the CBI. He was in great demand on television discussions after the unprecedented public spat between the top two officers of the CBI, that is, Director Alok Verma and Additional Director Rakesh Asthana, in October 2018 that led to the infamous 'midnight coup' which saw both of them being relieved of their positions amidst a flurry of adverse publicity. The CBI had seen many instances of factional infighting and ego clashes between top officers, Sen would point out, but never before in India had such an unseemly tussle taken place in the full glare of the media. He was deeply saddened by the impact this unseemly episode had on the CBI's by then already-battered reputation.

Over the decades, I would meet Sen frequently, on occasions at the capital's posh Delhi Gymkhana Club. Or, over a sumptuous lunch with Harsh Sethi, who used to edit the monthly journal, *Seminar*, and eminent sociologist Shiv Visvanathan—he had collaborated with them in putting together a book published in 1998 titled *Foul Play: Chronicles of Corruption* that narrates 18 true stories of corruption in India between 1947 and 1997—we discussed what could be done to counter the overwhelming atmosphere of venality pervading the country. Sen was always generous with his time, the information he had and the opinions he put across. He was tolerant towards those who disagreed with him, as I often did, but never in a disagreeable manner. His passion about combating corruption in high places would become apparent to anyone who meets him even briefly or casually.

I took Sanjukta Basu on board this project as a bit of a gamble. I knew little about her, having bumped into her at social gatherings. I had read a few of her articles that had been published by online portals. I knew Shantonu Sen would need assistance researching and writing. Sanjukta turned out to be much more than an assistant. She immersed herself deeply in Sen's life and experiences. As the proverbial outsider, she provided fresh

ways of narrating old stories. As a co-author, Sanjukta has added relevance, context, depth and perspective to the book.

This book is much more than the memoirs of a widely travelled, cynical and hardened investigator of crimes of all shades and varieties. Sen is indeed a veteran scam buster but he is more than that. He is a person who is driven. He wants his grandchildren to live in a better India, a country where those in high places are less corrupt, where the criminal justice system is more effective and does not look the other way when the guilty are rich and powerful and where the law is truly above no person. It is the idealism underlying the nail-gripping tales of crime and corruption that makes this book difficult to put down.

Paranjoy Guha Thakurta
February 2020

Co-Author’s Note

When former Central Bureau of Investigation (CBI) Joint Director Shantonu Sen joined the organisation in 1963, my mother was yet to enter her teens and my father was still in high school. That is the kind of generation gap between my lead author and me. And there I would sit with him for long hours, savouring the delicacies his better half would send from the kitchen with a motherly touch, as I listened to the stories of his life, stories which seemed much older than they actually were, dating back to the forties, the fifties, all the way up to the nineties. These were stories I did not know. I existed in an alternate reality.

A decade ago, I was a real estate lawyer. I then became a photographer, a worker in a civil society organisation and finally, a social entrepreneur. I don’t stick around. Personal life, friends, relationships are uncertain and erratic. I get easily distracted, the scatterbrain that I am. But through all the years I struggled to find an answer to questions such as ‘what do you do’ and ‘what do you want to be,’ I kept writing.

And, look where it got me—on a project to work with a descendent of one of the most illustrious families of Jaipur, whose ancestors saw the 1857 War of Independence from close quarters in Agra, the great-great-grandson of Rai Bahadur Sansar Chandra Sen, Commander of the Indian Empire (CIE), an erstwhile Diwan of the Jaipur State under Maharaja Madho Singh. For someone as clueless as I was, to be able to share time and space with someone whose life is the stuff movies are made of, whose history began a century before I was born, it was truly an alternate reality, an experience I had never had.

I joined this project to work with Sen in retelling some of the stories he had already written in an earlier book, adding to them his writings published elsewhere and untold stories about his professional experiences.

It seemed a simple enough task at the outset. But I was wrong. To start with, as part of the orientation process, I picked up Sen’s first book and then

suddenly, something extraordinary happened. There was a rupture in the time-space continuum I was in. A stunning disruption took place in the age of post-truth.

I am a human black box which continuously stores every kind of information coming its way with an in-built 24x7 live streaming feature connected to the WiFi. I have an uncontrollable urge to share with the world in real time, whatever I see, hear, read and feel. As Sen narrated his stories, I would get restless and panicky. I often felt like rushing out of the door and shouting to the world: ‘You guys, you have no idea. You don’t know anything.’

Sen’s stories will help the readers understand the buzz around India’s contemporary political discourse. Almost every day over the last decade or so, the Indian media, political pundits and representatives of civil society have constantly complained about corruption, how to end it, how to fight it and how we were going to witness a revolution of sorts. Those belonging to the middle classes, hundreds of thousands of them, shook off their decades-old apathy and took to the streets to join anti-corruption crusader Anna Hazare in 2011. Then in 2014 came the indomitable Narendra Modi who promised to purge this nation of 60 years of corruption and other social evils in 60 months. As his voice soared in his speeches, so did our hopes of finally becoming corruption-free. ‘India would be great again. CBI would be great again.’ We dreamt on.

‘Oh please. Cut it out,’ Sen would tell me in his usual royal, gentlemanly calm demeanour and with a nagging sense of hopelessness, ‘No government will ever really solve the corruption problem. The politicians don’t even want to. We miserable fools have fallen for the same promise before, voted them as elected representatives, only to be cheated again and again.’

Sen joined the CBI when it was established in 1963, as part of the first batch of detectives with aspirations to match world standards in corruption control. The Bureau’s earlier incarnation had been a special police unit of the British-Indian government to control corrupt practices during the second world war. In 1963, the organisation was reborn as the CBI primarily to tackle corruption in the bureaucracy.

The CBI in Sen’s time was an institution that was not just feared and respected but loved by all. It was the most powerful sword in India’s

armoury of anti-corruption weapons. At the helm were upright, honest officers directly recruited and fully isolated from political influence who carried out their duties with their heads held high. Sen spent thirty-three years working fiercely on some of the most important cases handled by the CBI, cases relating to Operation Blue Star in 1984, the Bombay Blasts of 1993 masterminded by Dawood Ibrahim, the Jain Hawala Diaries, the Urea Scam, Syed Modi's murder and General AS Vaidya's murder. He has investigated the powerful and the influential, people like Kalpnath Rai, V Krishnamurthy, besides scions the all-powerful Birla business empire.

He shared these stories with me with joy and pride. He felt honoured he had been part of such an institution. Then he became despondent. He spoke with anguish about how the CBI weakened over the years due to political interference. He revealed to me the complex ways of the upper echelons of the CBI and the bureaucracy. He regaled me with accounts about those who walked the corridors of power and the working of the politician-criminal nexus. The book is filled with stories of CBI officers who often found themselves in hostile situations and faced intimidation from powerful people and yet stood strong. There were a few who did not succumb to temptation. You will read stories about those who walked the fine line between being a heartless robot and an officer with a heart. He shared the inner workings of the police force and investigative agencies like the CBI which are often not apparent to us.

We discussed the case of the rape and murder of an eight-year-old Muslim girl from a tribal community in Kathua, in which the accused feared the Jammu & Kashmir Police and wanted a CBI enquiry. Every police case does not get transferred to the CBI, but common people do not know which ones do, and why. Many distrust the agency. Many fear it. The CBI is frequently flayed for shoddy investigation when accused persons go scot-free or when serious charges are dropped. But not all cases that are dropped are on account of corruption. Sen himself had dropped 'waging of war' charges against many who were held for the 1993 Bombay Blasts. 'It was the right thing to do,' he said, 'although it went against popular sentiments.'

Earlier, he had opposed the legal position taken by the Indian Army in the 1984 Operation Blue Star case for which he has no regrets.

On that sombre note, together we embarked upon the journey of writing this book. It isn't an attempt to tell tales of a golden past just to feel nostalgic or to lament the present pitiable state of affairs. It is also not a vanity publication to show off what an awesome ace detective Sen had been. In my year-long interaction with him, the last thing he wanted to talk about was himself. This book is an attempt to tell the story of corruption as a cancer eating away at the country's body politic, and the CBI as an institution which provides that cure. Each story holds lessons for future generations of investigators, bureaucrats, political leaders and citizens.

This brings me back to the age gap I was talking about earlier. It has added great value to this book. Many of the stories narrated here played out in times preceding my birth, some happened when I was very young. I saw the stories in a new light. His stories had a positive glow and radiance of yesteryear which then passed through my generation's prism of pessimistic grey and got scattered into many perspectives.

From being simple stories, they became complex narratives. We used parallel timelines going back and forth in time to contextualise the stories. Taking cues from the past we reflected upon the present, and provided commentaries about the nexus between politicians, criminals and bureaucrats in India.

In recent years, the Rafale fighter jet deal has been highlighted by the Indian National Congress (INC) whose leaders have alleged that it was a scam. We touch upon the deal and also take you back over the decades to the 1950s to tell you stories about the scandals that had taken place then. If the publication of documents related to the Rafale deal by *The Hindu* newspaper is summarily dismissed by the government as 'fake,' we jog your memory to tell you what happened when similar documents were published in a newspaper when a Congress government was in power in the 1990s. The more things change, the more they remain the same. Those in power never want to let go. They want to retain control over institutions like the CBI. Those fighting against abuse of power, continue to do their job. The same people who are today knocking on the court's door against a Bharatiya Janata Party (BJP) government were earlier exposing a Congress government.

* * * * *

Every book is but a droplet in the vast ocean of knowledge. Because of the nature of the ocean, it is impossible to know everything. In Satyajit Ray's dystopian film *Hirak Rajar Deshe* (1980), the tyrant Hirak makes light of the notion that it is worthwhile to search for knowledge: *'Janar kono shesh nai, janar chesta britha tai'* (There is no end to knowing. So, knowing is futile).

The courtiers accept his wisdom, and repeat in unison after their lord.

But try we must—to know and understand what matters to us in making our lives and our society better. Otherwise, we would never be able to avail our rights and live our lives to the full as citizens. In the film, Hirak emphasises those lines to dissuade people from gaining knowledge, so that he can continue exploiting them. Knowledge is power, something every tyrant knows.

Will this book provide valuable knowledge to the youth of India? Without sounding vain, let me assure readers that this book isn't just about gaining knowledge. It highlights a rupture in the age of post-truth epistemology or ways of knowing.

The earliest humans attributed everything unknown to God and nature. The birth of language gave humans the ability to record and pass on knowledge. The way we know things today, the process of research and analysis, started with the Age of Enlightenment when people rejected the superiority of God and religious orders, and acquired knowledge and reason to become masters of their own destiny.

Positivism emerged in 18th century Europe where philosophers like Auguste Comte, John Stuart Mill and Herbert Spencer started looking at the world in very different ways owing to the scientific revolution that Europe had witnessed through the 16th and the 17th centuries. Science, rationality, atheism, critical thinking and rejection of idealism constituted the ethos that formed the basis of positivism. Only that knowledge was considered true by positivists which could be seen, heard, touched, observed, quantified and replicated in a scientific way. Everything else—human emotions, experiences, romanticism—were rejected from the realm of knowledge creation.

Positivism remained the basis of knowing and understanding the universe for a long time, until critical realism, post-modernism, subaltern studies and feminist epistemologies emerged. These rejected the supremacy

of objectivity, quantification, verification and foregrounded subjectivity and the lived realities of every human. They rejected the idea that there is such a thing as the ‘whole truth’ or ‘pure knowledge’ which is capable of being known, or that there is only one proper way to know it.

Around 2010, the concept of post-truth in politics emerged. Subjective realities stretched too far to prove and disprove whatever knowledge and narrative suited populist sentiments. Anything and everything can be accepted as the truth so long as a formidable leader with mass appeal touches a chord with the masses, sways them with oratorical skills and convinces them to accept his narrative without question. The shared standard of truth and knowledge has disappeared. People live in thought-bubbles and echo-chambers, refusing to believe anything that doesn’t appeal to their basic instincts.

In 2016, ‘post-truth’ was chosen as the ‘word of the year’ by Oxford Dictionaries as its usage increased manifold in the context of the European Union referendum in the United Kingdom and the presidential election in the United States which elected Donald Trump to power.

Post-truth effectively means that our political leaders lie to us all the time. Prof John Keane of the University of Sydney explains in one of his essays that post-truth consists of ‘old fashion lying, bullshitting, buffoonery’ aimed at ‘attracting and/or distracting public attention from mainstream political conversation.’ It includes ‘nonsense moments, jokes, boasting, clever quips, pedantry and wilful exaggeration’ and is akin to gaslighting the public, a preferred tactic of the narcissist to confuse and disorient them, to sow seeds of doubts and discontentment among them. Post-truth is shaped by engineered silence, forced diversion from real issues, and by the nature of what is unsaid or what cannot be said.

The book in your hand is a stunning disruption in India’s post-truth narrative, where new leaders constantly blame previous governments for corruption and decay and claim they are different. It disrupts the narrative that new leaders are heroes and previous ones were villains.

Read this book to know that the story of India or the story of the CBI or the story of corruption or anything for that matter, is never a tale that can be told in black and white binaries and that truth is more complex than post-truth.

Sanjukta Basu
February 2020
New Delhi

1
History of Corruption

Nowadays we hear a great deal about corruption. Of course, corruption is something that can destroy any setup. It is bad from every point of view—morally, ethically, administratively. We must try to put a stop to it completely.

– Jawaharlal Nehru, public address at
Panjim (Goa), 22 May 1963

A certain student appearing for an examination was asked to explain the importance of geology in civil engineering. The answer he wrote fetched him zero marks out of a total of twenty. His answer went something like this, 'Geology is very important in civil engineering and it is that much important that its importance cannot even be described in words, that's why geology is important in civil engineering.'

Somebody leaked the answer sheet and it went viral on social media ensuing endless hilarity over the next few days. In the Indian political discourse, if you ask anyone a question about corruption, you are likely to get a similar answer. 'Corruption is very bad for our nation; it is so bad that it is difficult to explain or eradicate.' Generations of Indians have virtually grown up on buzzwords of corruption and scams like the Jain Hawala Diaries, Bofors, 2G and the latest, Rafale. And yet, if you ask them to explain any of the cases in details, you are likely to get a similar answer, 'The Hawala scam is a big scam; and the government was involved in a lot of corruption. It is the biggest scam and therefore it is very bad.'

Justice Oliver W Holmes of the Supreme Court of America explained this sort of understanding in his essay titled 'Ideals and Doubts' (1915) as 'a body of imperfect social generalisation expressed in terms of emotion.'[1]

Emotions run high when there is talk about corruption. The honest tax-paying law-abiding and newspaper-reading citizen is angry without fully knowing or understanding what corruption is.

'Corrupt' is defined by the *Chambers Twentieth Century Dictionary* as something that seeks 'to destroy the purity of; to rot; depraved, putrid, not genuine,' etc. But a literal meaning of 'corruption' cannot even begin to explain this peculiar self-mutating problem of society—which both drives political movements and dismantles them. Even the United Nations Convention Against Corruption (UNCAC), the only legally binding universal anti-corruption instrument, does not define corruption.

Nation states across the world—whether advanced democracies in the first world or troubled dictatorships in Africa—blame most of their socio-economic problems on corruption and always aspire to fight and end it. Yet, the same people also collude in keeping the corruption machinery alive. Peoples' revolutions against corruption have led to the fall of oppressive regimes. Leaders have faced criminal prosecution and even political execution. But the problem is self-sustaining—it has been around since time immemorial and will remain in the coming centuries even as we continue to find ways to fight it. Corruption is a cancer of the body politic. Hard to diagnose, harder to cure.

* * * * *

So, what is India's corruption story?

I worked for thirty-three years in an organisation which was created to tackle corruption in India, and I can tell you it is India's favourite story. Both people and those in power have worked tirelessly towards eradicating corruption. Investigative organisations like the Central Bureau of Investigation (CBI) and anti-corruption laws have come into being in independent India to fight the evil. Political leaders have also made corruption their poll planks. Remember the tectonic shift of 2011 when a former civil servant-turned-activist inspired millions of Indians to take to the streets? What drove them? A call to fight corruption. Yet, India's corruption story remains what French novelist Jean-Baptiste Alphonse Karr (1808–90) would describe as, '*plus ça change, plus c'est la même chose* (The more things change, the more they stay the same).'

Stay with me, as I take you through the journey of India's corruption saga and narrate stories from my life and times as a CBI officer, and explain to you how and why nothing changes.

Before that, a bit of history.

* * * * *

While corruption as a concept originally referred to moral or spiritual impurity, in the modern context the word is commonly used with reference to corruption by authorities—anybody who holds some power to influence public life for better or worse. Public imagination of corruption therefore begins with the word 'bribe' or *rüşvet* in Turkish or *rishwat* in Urdu/Hindi—a loaded word which finds mention in the history of most ancient civilisations. Bribery has always been considered a serious crime. The corrupt public servant has been equated to a thief in ancient texts by Manu, Narad and Brahaspati. Penal codes of ancient civilisations of the Jews, Chinese, Japanese, Romans, Greeks and Hindus refer to bribery as a great problem of society. Bribery and other forms of corruption have been cited as the main reasons for the fall of the mighty Roman Empire.

But those who are corrupt have also found ways to indulge in corruption while avoiding the word 'bribe' or by devising various other forms of corruption—from petty to grand to institutional.

I recall an episode from the popular award-winning British comedy series *Yes Minister* (1980–84) titled 'The Moral Dimension' (1980). In one scene, Minister James Hacker appears shocked to see the newspaper reports that a British electronic system contract which he ratified and was considered one of Britain's biggest export deals was in fact won by bribery. Mortified at the use of words like 'bakshish' and 'palm-greasing' alleged against people of 'British origin,' he asks his Permanent Secretary Humphrey Appleby whether there is some truth to the allegations.

Appleby outrightly rejects the use of 'bribe' and goes on to proclaim that even phrases like 'slush funds, sweeteners, brown envelopes' are 'extremely crude and unworthy expressions for what is no more than creative negotiation' and is 'the general practice' in government corridors.

The episode was iconic in depicting how normal and pervasive corruption is among politicians and bureaucrats. It outlined various forms of

corruption—grand, petty and political—and the varying degrees of moral standards used to justify them. Political and public officers of today are as corrupt as they dare to be and as honest as they must.

Kautilya's *Arthashastra* described forty kinds of corruption which covered almost the entire range of corruption we know today—forgery by the king's men, denial of revenue to the exchequer by obtaining personal pecuniary advantages, interpolation in government records, discrepancies in revenue records, malicious wrongful records, falsification of what would be muster rolls today, raw materials not received but paid for and those received but not paid for, furnishing of false certificates in respect to quality of gold and silver, false weights and measures, being some of them.

Ancient Hindu texts show that there was a need to tackle corruption in public service. Bribery and corruption were treated at par with theft and were punished with fine and confiscation of property. Manu had exhorted the king to take innovative measures to protect his people against corrupt public servants; to deploy spies in disguise at places where corrupt officials were expected to spend their ill-gotten gains—brothels, wine shops and theatres—to nab red-handed.

Kautilya suggested employing agent provocateurs to test the integrity of public officials of all ranks—from Yukta to Upyukta to Tatpurusha. He considered corruption to be a very serious offence and advocated punishment as harsh as the death penalty. In less serious cases, he advocated punishment of whipping and fines which could be 'in proportion to the value of work done, the number of days taken, the amount of capital spent and the amount of daily wages paid.'[2] Considered a statesman born ahead of his times, the wily Kautilya rightly understood the need to rein in corrupt public officials in order to build a peaceful and prosperous society. From ancient to modern times, corruption remains one of the main reasons that holds a nation's growth and development to ransom.

Chief Justice Jagmohan Reddy of Andhra Pradesh High Court in 1980 had described the problem thus: 'Corruption in our country is steadily eating into the vitals of our administration and has become cancerous if public opinion is to be accepted; it is pervading.'

The cost of corruption is heavy and is paid by human lives in the worst cases and adversely affects their freedom, health, money and the nation's progress in some way or the other.

It is evident that every nation must fight corruption tooth and nail if they wish to improve and develop. Unfortunately, India is yet to show that level of grit and determination to truly fight corruption. According to the *Global Perception Index 2017* released by Transparency International, an international NGO that works in collaboration with governments, businesses and civil society groups to stop bribery, abuse of power and secret deals—India ranked 81st among 180 countries, and was named one of the worst offenders in terms of graft and press freedom.

Going back into history, the Mughal era had shown no inclination in fighting corruption. The British colonial rulers were no different either. After the Battle of Plassey (1757), corruption by servants of the East India Company became rampant. The British Parliament was disturbed at the functioning of the virtually uncontrolled empire, which was in financial distress and owed large sums to the Bank of England and the government. But the Company, like any other corporate entity, was answerable only to its shareholders, and not to the people of India or even the British Crown.

Strange as it may sound today when we are a sovereign nation and aware of the colonial oppression by the British, in the 18th century, India was a territory of great importance and the British government was indeed concerned about how India's wealth was being used or misused. So, the British Parliament passed the Regulating Act of 1773 (formally, the East India Company Act 1772) which made the Company responsible for governing the territories that it controlled. A close reading of the provisions of the Act shows that it intended to tackle malpractices and corruption of Company officials. One of the key provisions of the Act stated: 'No person in the civil and military establishments can receive any gift, reward, present and any pecuniary advantages from the Indians.'[3]

Yet, corruption continued to flourish in the Company, and in 1784 the British Parliament alarmed at the Company's omnipotence and behaviour of its servants passed the East India Company Act, 1784 which brought the Company firmly under the control of the government of British India. It was only then that the activities of the corrupt officials making vast fortunes could be controlled somewhat

The early history of British India is perhaps the world's high watermark of graft, wrote historian Edward Thompson in *Rise and Fulfilment of British India* (1935).[4] This was true for the three hundred years of British

rule, the watermark fluctuating between high and low but never totally disappearing—corruption among officials of the Company cost India a massive amount of wealth.

Historians often suggest that the two centuries of British rule was the root of corruption in India. Robert Clive, who led the British victory over Nawab of Bengal Siraj-ud-Daulah and consolidated the rule of the Company, is considered a brave man in colonial history, but in later years he became greedy and corrupt. In April 2004, at an auction at Christie's in London, rare Mughal treasures taken to Britain by Clive were sold for £4.7 million.[5] How these rare items came into Clive's possession is unknown but was believed to have been acquired by corrupt means. It is well known that when Clive returned from India in 1767, he faced a Parliamentary inquiry into allegations of corruption.

Jawaharlal Nehru mentioned an anecdote in *Discovery of India* (1946) which spoke of crony capitalism during the British Raj:

> In pre-war days a large number of medicines and drugs and vaccines used to come to India from Germany. War stopped this. It was immediately suggested that some of the more essential vaccines and medicines might be made in India. This could easily be done in some of the Government institutes. The Government of India did not approve and pointed out that everything that was necessary could now be obtained through Imperial Chemical Industries. When it was suggested that the same thing could be made in India at much less cost, and utilised for army as well as general public use without any private interest, high authority was indignant at the intrusion of such base considerations in matters of state policy. 'Government,' it was said, 'was not a commercial institution!'
>
> Government was not a commercial institution but it was very much interested in commercial institutions, and one of these was Imperial Chemicals. This huge combine was given many facilities. Even without such facilities it had such enormous resources that no Indian firm, except to some extent Tatas, could possibly compete with it. Apart from these facilities it had powerful support both in India and

> England. A few months after leaving the viceroyalty of India, Lord Linlithgow appeared in a new role as a director of Imperial Chemicals.

Was that the high watermark of graft Thompson had mentioned? It is difficult to say, but the *quid pro quo* in its most meaningful form most certainly, as one can easily guess, is that Lord Linlithgow might have been a substantial shareholder in Imperial Chemicals even when he was Viceroy of India (1936–43) when the decision was taken. As Nehru continued,

> This demonstrates the very close connection between big business in England and the government of India, and how this connection must necessarily affect policy.

Almost eighty years since, we come across a similar situation where a huge contract has been taken away from the public company Hindustan Aeronautics Limited (HAL) and awarded to a private company which came into existence merely twelve days before the deal, and whose parent company has zero experience in manufacturing defence equipment. An entire nation has been kept in the dark over the rationale behind the 36 Rafale aircraft purchase deal worth ₹60,145 crore by the government of India. It is on record that the deal was finalised suddenly and announced by Prime Minister Narendra Modi during his visit to France in 2015 and that Defence Minister Manohar Parrikar was not aware of the finalisation. The media and Opposition parties have raised questions regarding the due process, or lack of any, in the Rafale deal but the Bharatiya Janata Party (BJP)-led government has avoided answers, taking refuge in a certain ‘secrecy clause’ in the contract.

The nagging thought that one of our leaders, to whom the whole country looks because of his honesty and integrity, might have succumbed to corruption and selfish interests and taken a decision to benefit his corporate friends continues to haunt us.

Nehru described British rule as pure loot and legalised exploitation which led to the ghastly Bengal famine. ‘The corruption, venality, nepotism, violence and greed of money of these early generations of British rule in India is something which passes comprehension,’ wrote Nehru.[6] Except, what Nehru in his fair judgment thought was problem of the ‘early generation of British Rule’ was true for the entire British period. For what it

is worth, the demonetisation move by the government of India in November 2016 has also been described as ‘organised loot and legalised plunder’ by former Prime Minister Manmohan Singh.[7] The more we change, the more we remain the same.

So, why have we not been able to tackle the problem of corruption? Why does it continue to flourish? There is no single correct answer to this question, but from my years as a CBI officer I can say that corruption stays because there is no public outrage against it, and there is no political will to get rid of it—as it benefits everyone. Upendra Thakur in his work *Corruption in Ancient India* (1976) wrote that corruption exists because ‘it would be preposterous to argue that a thing exists even though society does not want it to exist. Maladies like corruption and bribery exist in the society because men in administration as well as the members of the society want it.’

Is it being too over-the-top to suggest that society wants corruption to exist? Perhaps we can find answers in this book if we examine how the people and the media respond to growing cases of corruption in the nation. Does society revile the bribe taker and the corrupt in the same way as it does with thieves, robbers, dacoits or rapists? Therein lies the answer.

The Lok Sabha passed a Bill on 1 August 2019 to introduce capital punishment for raping a child below twelve. While studies in criminology and crime statistics suggest that severe punishment may not necessarily be a deterrent against crimes, and that what is required is effective prosecution and conviction, the Legislature still went ahead with the Bill to pacify public anger. Unfortunately, when people like Nirav Modi or Mehul Chinubhai Choksi steal billions of dollars of the nation’s money and escape from the country, we do not see the same public anger and revulsion.

That said, it would be wrong to contend that the people of India have entirely failed in expressing their anger over corruption. Time and again people have taken to the streets to protest against corruption. They have hoped much from leaders who promised to address the malady by voting them to power. From Vishwanath Pratap Singh to Arvind Kejriwal to Narendra Modi, the public have looked up to these leaders in hope, but they have been let down. Even Modi did not fulfil his promise of bringing in the Lokpal or people’s ombudsman until it was just weeks before the end of his first term as Prime Minister, and only after several Right to Information

(RTI) queries revealed that he had been dragging his feet on the Lokpal appointment[8]. An RTI query revealed that the Prime Minister did not chair a single meeting of the Lokpal selection committee in the first 45 months of his tenure. One would have thought that a leader like Modi would get this thing done in the very first week of coming to power. But alas!

When the public loses faith in a leadership, they become cold and apathetic and the fight against corruption becomes a lost cause. Both members of society and political leaders must realise that the future of a nation lies in the qualities of its women and men in public life. I lament much because I believe there is a bankruptcy of integrity and honesty in the political leadership of India. When the procedure of funding an election itself is possibly the biggest source of corruption, how can it produce honest leaders willing to and capable of stifling corruption?

The Election Commission of India (ECI) has made several recommendations to bring about greater honesty and transparency into the process of funding of political parties, but no government has adequately responded to the growing demand for reforms in this area of public life. The Modi government came to power in May 2014 with promises of cleansing the system and ridding the nation of corruption and scams. Unfortunately, the introduction of electoral bonds[9] and the 2018 amendment to the Foreign Contribution Regulation Act (FCRA)[10] exempting political parties from scrutiny of the foreign funding received by them with retrospective effect going as far back as 1976 does not inspire trust in the government's intention of eradicating corruption. Modi's government has in one sweep legitimised forty-two years of illicit foreign money being pumped into India's elections.

Far from being a dispensation with a difference, this government's moves encourage corruption. We are back to the realisation that the more they promise change, the more nothing changes.

However, I have not sat down to tell the readers India's corruption story merely to lament. The adage, albeit old and boring so far as adages go, still holds true: Where there is a will there is a way. It is my endeavour to invoke this will in the minds of people.

The British Raj showed the will to fight corruption in 1860 when bribery became an offence in the statute books. But the punishment

prescribed was mild and merely a token one. A public servant found guilty of taking gratification other than legal remuneration in respect of an official act could be punished with three years jail or fine. The law stood fast for eighty-seven years and during this period there was no effort on part of the administration to form a special machinery or an agency to detect, investigate and try cases of corruption. It was only in 1941 in the wake of the second world war when the British war efforts were thwarted by a spurt of corrupt activities both in administration and trade that the British government set up the Delhi Special Police Establishment (DSPE). One of the key objectives of this force was to investigate cases of corruption connected with the War Department. In 1943, formal legal sanctity was bestowed upon the force and it gained extensive powers to investigate offences connected with departments of the government throughout British India.

Today, the DSPE is better known as the Central Bureau of Investigation (CBI)—the institution I walked into as a young man of 25 years in the year 1963, brimming with energy and excitement.

Thirty-three years later that young man was to ruffle a few feathers by doing what nobody had done before—openly writing an op-ed article in *The Times of India*, exposing how the imperial ‘steel frame’ was gradually turning into a ‘steel collar.’

Onward then, with my stories. Read on.

2
Inception of CBI

‘The CBI is a caged parrot,’ that ‘speaks in its master’s voice,’ thundered Supreme Court Justice RM Lodha, followed by a chilling silence in the court room on 9 May 2013 when he was hearing the coal block allocation scam case. The court observed with displeasure that the CBI probe into the case had been severely interfered with by the government. Asking the government to make the investigative agency impartial, the court said it needed to be ensured that the CBI functioned free of external pressure. ‘If the CBI is not made independent, we will step in,’ the court observed. It said the ‘job of CBI is not to interact with government officials but to interrogate to find the truth.’[11]

A year later in May 2014 that stunned silence in the courtroom turned into a public roar against the incumbent United Progressive Alliance (UPA), a coalition government led by the Indian National Congress (INC), that suffered an electoral defeat on account of a variety of factors, arguably the most important of which was corruption.

‘Caged parrot.’ The words would haunt the CBI for the years ahead. The Supreme Court continues to frequently reprimand the CBI for procedural delays and incompetence. Public perception about one of India’s premier investigative agencies has been consistently falling.

What really is wrong with the institution? That isn’t a difficult question to answer. What isn’t easy to answer however is how can the paradise lost be regained? How can the CBI regain the trust and credibility which has been long lost? As a former CBI officer, I can assure you there is a way.

Let us try to find out, through the stories of my life, as my journey and that also of the bureau which started around the same time.

* * * * *

It was more than half a century ago, in June 1962, when members of Parliament (MPs) in a debate raised concern over the growing menace of corruption in administration. In response, the Minister of Home Affairs Lal Bahadur Shastri set up a Parliamentary Committee led by K Santhanam as Chairman to review the problem of corruption and make suggestions to tackle it. The eight members included MPs Santosh Kumar Basu, Tika Ram Paliwal, RK Khadilkar, Nath Pai and Shambu Nath Chaturvedi, besides LP Singh, Director Administrative Vigilance Division; and DP Kohli, Inspector-General of the DSPE.

The committee's scope was to look at the issue of tackling corruption related to the central government and its employees. It prepared and deliberated upon various background papers to understand how corruption is tackled across the globe. These included a brief study of the system of ombudsman in Scandinavian countries; office of the procurator in communist countries; and reports on laws relating to the UK, US, Pakistan, Canada, Ghana and France.

The committee held 87 sittings, examined witnesses such as ministers and secretaries to the government of India, members of boards of revenue, commissioners of income tax, journalists and civil society members, among others. The laws related to corruption investigated by the panel were Section 161 of Indian Penal Code (IPC); Section 5 (1) of Prevention of Corruption Act (PCA), 1947; and Section 123 of the Representation of the People's Act, 1951 (to detect corrupt practices in elections).

Before the committee could submit its formal report, war broke out with China. An interim report was submitted leading to the formation of two iconic institutions in the country—the CBI set up on 1 April 1963 and the Central Vigilance Commission (CVC) set up on 11 February 1964.

The former came into being with a government resolution that said that such an agency would be set up to investigate cases handled by the DSPE and other high-profile cases like those under the Defence of India Act, 1915. So, the DSPE set up in 1941 by an executive order of the British Government became the CBI that we know today. On paper, neither the CBI nor CVC were legal entities—the CVC became a legal entity only in 2003 and the CBI still does not have an act of its own. Successive governments irrespective of political affiliation have failed to take this first

significant step in strengthening the CBI and insulating it from political interference.

Seventy-two years since independence, names such as Delhi Special Police sound odd. Why set up a ‘special police’ only for Delhi? What would this ‘special police’ do?

As I wrote earlier, the British government was not interested in tackling corruption by officials either of the East India Company or the British Raj —corruption that was draining India’s wealth out to Great Britain. It was only during the second world war when corruption, both in administration and trade, became very high, adversely affecting the British war efforts that the colonial government decided to set up a ‘special police’ located in the power centre of Delhi to deal only with matters related to the War Department. Before the war, there was corruption in the revenue, police, excise and public works departments. But smaller activities at the levels of states, lack of fluid resources and the Great Depression somewhat kept corruption under control. When the second world war broke out, government expenditure involved hundreds of crores of rupees over war supplies and contracts creating unprecedented opportunities for corruption. It was to check these that the DSPE was set up.

Once India gained independence, we embarked upon a long and arduous journey on a path where other nations had already forged ahead. India, shackled for two centuries, started its journey as an agricultural nation that had a weak industrial base and was riddled with poverty, famine and unemployment. The administrative machinery already in place during the British Raj transitioned into the Indian administration but was weakened by the war-time neglect and the departure of a large number of experienced officers, which in turn resulted in the recruitment or promotion of unscrupulous people to influential positions. The new government had to simultaneously expand its economic activities to make up for the time lost and catch up with the highly industrialised developed world and boost the morale of society into having faith in the system with the establishment of an atmosphere of honesty and integrity.

It was imperative to show vigour in tackling the problem of corruption. An important legislation was passed. The Prevention of Corruption Act was enacted in 1947. The Bakshi Tek Chand Committee was set up in 1949 to

review the working of the Prevention of Corruption Act, and to assess the performance of the DSPE and the need for its continuance or strengthening.

Because we had just gained independence, there was a certain amount of zeal and euphoria at that time among many government officials to honestly serve the nation. Many public officers, particularly those in the police and judiciary were perhaps—just perhaps—honest. The first decade saw a rapid increase in the number of cases dealt with the DSPE. Between 1950 and 1960, several ministers and leading industrialists were investigated and prosecuted by the DSPE. It was common for the DSPE to initiate investigations against high-profile ministers or other important individuals.

But this paradise was not to exist for too long.

* * * * *

Corruption was unabated, and in 1962 the Santhanam Committee was set up to address the problem, following which a need was felt to expand the scope of the DSPE and make it a more niche, specialised institution with the power to investigate serious crimes and corruption. Thus, the CBI was established with the vision to be the country's iron fist in the battle against crime and corruption. The CBI was to be a special body of superior investigators directly recruited via the Union Public Service Commission (UPSC). Its main purpose was to investigate cases of corruption in government offices, something in common parlance we call 'babu corruption' or 'red tape' or 'crony capitalism.'

I had earlier mentioned the British television series *Yes Minister*. A Hindi version of the same was made in India titled *Ji Mantriji* (2001) featuring Farooq Sheikh and Jayant Kriplani which became popular among the masses. The same generation would also remember the iconic series *Office Office* (2001) starring Pankaj Kapur. What was common to all these shows? They dealt with widespread and rampant corruption by government officers and bureaucrats.

During the first few decades after the war till the later part of the sixties, corruption was something perpetrated by government officers who dealt with the public with the power and authority to grant or deny various services like ration cards, driving licences, birth and death certificates, other

permissions and licences, etc. A corrupt officer would often hold back services until currency notes were passed under the table or packed into a sweet box and kept on the table. Those in the upper level of bureaucracy practised similar corruption but in a more sophisticated style.

The incumbent Prime Minister Narendra Modi has made the term Licence Raj very popular by raising his voice against several decades of the Licence Raj practised by successive Congress governments. What it means is the ‘Rule of the Licence’. It is of course not a real rule. The Indian economy was a closed one till the eighties and for every commercial and business activity a government licence would be required and the bureaucrat who had the power to grant this licence would demand unfair benefits. Rich corporates would often pay bribes to secure licences bypassing norms and procedures or even safety standards, among others.

The CBI initially had the arduous task of curbing these forms of corruption. Notably, political corruption was less of a problem during the first decade of India’s independence because political chairs were occupied by honest and wise freedom fighters who had sacrificed a great deal. Jawaharlal Nehru, Lal Bahadur Shastri, Rafi Ahmed Kidwai, John Mathai, Govind Ballabh Pant, Rajkumari Amrit Kaur are just some names that deserve mention. Thus, the scope of corruption was still somewhat limited, and the CBI was well equipped to handle such cases. But today, corruption is perpetuated by political leaders with the bureaucracy hand in glove. The atmosphere of honesty and integrity that is required to curb corruption has been vitiated. The very leaders we elect through a democratic process are prone to corruption as the campaign money they use to contest elections is tainted. Today, therefore, the scope of the CBI’s work has increased immensely to deal with not just bureaucratic corruption but also scams involving political leaders besides other serious crimes.

Bureaucrats and politicians today are like bread and jam, inseparable from and complementary to each other in the crime of corruption—you investigate one, and you have to investigate the other. I say ‘today,’ but this rot began way back in the mid-eighties, and I personally am a witness to that collusion. In fact, so pained was I to see the way corruption had become a ping pong ball in a blame game being thrown by bureaucrats and politicians at each other that I ended up writing a scathing opinion piece against the entire bureaucracy a year before my retirement.

It was a bit like the unprecedented move of the four Supreme Court judges coming out in the public to expose the cracks in the institution. In my time, and even after me, it was unprecedented that an officer would lash out against bureaucrats while still in service. While I played safe and took a few precautionary steps before the article went to print, it still faced some flak. Nothing that I couldn't brush off with a smile, though. But, more about that later in this book.

* * * * *

Too much talk of corruption should not make us forget that we as a nation should be immensely proud of the CBI as an institution for the vision it had and what it has achieved in five decades. Credit must go to the vision of founder Director DP Kohli and Prime Minister Lal Bahadur Shastri for designing the mixed cadre system—the CBI's own cadre of officers directly recruited at senior levels via the UPSC, along with state police officers on deputation. The directly recruited officers were meant to be master detectives insulated from political influence because they were never required to serve in any state or deal with local politicians. Influence creeps in when officers interact with MPs, members of legislative assemblies (MLAs), panchayat functionaries and other people at the local levels. But the special cadre of the CBI were kept aloof from these people and needed to focus only on investigation. On the other hand, the cadre who join as Indian Police Service (IPS) officers had earlier been posted in states and were required to deal with their political masters, their tantrums, and various fair and unfair requests bordering on pressure and recommendation. The CBI and IPS are very different institutions with their own unique skills. The two departments have different roles and responsibilities, but they also work together on special cases, often leading to major breakthroughs.

A Short Stint in Sikkim: 1979

I belonged to the first batch of directly recruited CBI officers, and I was never close to any politician. I am not trying to take a higher moral ground here, nor am I insisting that a CBI officer should be so insulated that he should never develop close connections with politicians even if they wanted. It just so happened that I always remained aloof and political

engagements had not even crossed my mind until 1979 when I went on deputation to Sikkim to set up the Sikkim Vigilance Police Cell. I stayed in that state for three years holding the position of DIG reporting to the Home Secretary. I was to Sikkim what the CBI Director is to India—the topmost functionary to investigate and act against bureaucratic and political corruption.

At the time of joining, Chief Minister Nar Bahadur Bhandari gave me an informal mandate: 'Do not spare even my own father.' With that emphatic assurance I embarked upon my job with zeal and enthusiasm but had to deal with a situation I had never faced before. For the first time, I knew what it was like for an honest officer to face political interference in anti-corruption investigations.

As I took charge, I started picking up cases one by one. For every case that I would pick, I would get a letter from Finance Minister Sharab Palden trying to find out details of the investigation or requesting me to not proceed with certain cases or look at them from a particular perspective. None of these were too damning, but it became annoying after a few months. I decided to do something about it, and so one fine day I went to meet Palden in person. I took with me the files of the cases I was not able to proceed with because of either his interest or interference. He received me warmly, and as tea was served, I placed the big pile of the files in front of him on the table with a thud.

The files were meant to add a bit of a dramatic effect, though I was calm inside. I was neither angry nor scared. I had gone to Sikkim on deputation to do my job, and if they did not want me there I would have just finished my term and come back. We started talking and I explained to him that the Sikkim Vigilance Police Cell was meant to investigate corruption. Now, I can understand that Sikkim is a small place, here most people know each other and are related to each other; so, whoever would be investigated is likely to rush to their political contacts and try to save the situation, but I had a job to do. 'With your constant interference, I am not able to do my job,' I told him.

Incidentally, he too was very calm and told me with a smile, 'Mr Sen, I am a politician, I am voted in by these people. They will rush to me, and I will have to hear their stories and write to you with their side of the story. But you are free to ignore me and carry on with your job.'

‘Ignore me and carry on with your job,’ was quite a candid statement, and it amused me. He went on to explain that he could not and would not stop writing to me on various cases, but that I was free to proceed as per the law. He had to do this even if it was just for the optics, so that he could show to his constituency that he tried but could not stop me.

This was certainly not a utopian conversation between an investigating officer (IO) and a politician, but then in a utopian world there would be no corruption to investigate. So, living in this world, I could understand his rationalisation. The most remarkable learning of this incident was the importance of the directly recruited CBI cadre, of which I was a member, and which was the reason I could talk to the minister like an equal. I was an outsider and was not required to appease the politician. Had there been a Sikkim police officer in my place, things would have been different.

To Confront a Politician: 1993

To be an honest officer in the police or any other investigative agency can be a matter of subjective positioning. Corruption does not take place in isolation—it is a product of situations and every individual’s subjective reality. Not all officers join the force with the purpose of amassing (illegal) wealth. As a matter of fact, ill-gotten wealth may not even always be the purpose behind corruption. Sometimes an honest officer might be the victim of a warped perception that being corrupt or at least complicit in corruption is the norm. When confronted with a situation, whether an officer will be able to say ‘no’ to corruption depends on the power relations between the people that she or he is confronting, or the spatial and psychological isolation one has from the scene of corruption.

In the aftermath of the dreadful Bombay Blasts of March 1993, the case came to the CBI under my leadership. I was then a Joint Director. As part of the investigation, a group of individuals, mostly small traders and workmen in the textiles industry were arrested on the suspicion that they were involved in making bombs. Later investigations could not conclusively prove what was being suspected and they certainly could not be prosecuted for criminal charges. The people arrested belonged to the constituency of one of the most powerful politicians of his time from Maharashtra, Abdul Rehman Antulay, who had been Chief Minister during Prime Minister

Indira Gandhi’s regime and later became Health Minister in Prime Minister PV Narasimha Rao’s government.

Antulay did not take the arrests lightly. He was angry and wrote very strongly to the Director demanding action against the erring officers which included my superintendent of police (SP) and deputy superintendent of police (DSP). The letter came to me, and I was required to act. In my view, the arrests were made in haste and mistaken, but there was no malice. My officers did not deserve to be suspended or dismissed. But Antulay was relentless in his attempt to blow things out of proportion and made allegations of extortion, bribery, malice and discrimination against the officers.

I found myself in a position where I had to admit that there had been an inadvertent error, and yet not give in to the unfair demands of an emotionally charged politician just because he happened to be powerful. I decided to confront Antulay face to face and sought an appointment. Being a direct recruit, I had never met Antulay, but he was happy to see me, flattered too that the CBI Joint Director wanted to see him. He did not know the purpose of the meeting, and I took some warming up time chit-chatting before finally bringing up the matter. His affable demeanour suddenly turned hostile and a frown came upon his face as soon as I mentioned the case.

He reiterated that his claims were based on first-hand information from those arrested, and that the officers had either taken bribes or threatened and intimidated them. I heard him out and said I would make enquiries. There was nothing to be enquired; I was confident about my observations and not going to change my mind but just to take him into confidence and cool him down, I only had to give Antulay an assurance of an enquiry. A few days later I met him again and told him that there was no substance in his claims and insisted that he dropped his charges, which he soon did.

It isn’t every day that one is able to have the moral authority to put his foot down in front of the high and mighty. I could do this only because I was insulated from the world of politicians. I was a direct recruit and had risen through the ranks without seeking favours. I had no fear of ever being placed under him.

Antulay later became a friend and we bonded closely for years to come. My first meeting with him is perhaps a bleep in the history of the CBI but

there is a lesson in it—if you look deep within and understand exactly what happened there and why. A powerful politician could not have his way because the top cop would not give in. This also explains why future politicians will gradually end this recruitment process of placing directly recruited insulated officers at top positions in the CBI.

Because after all, politicians need to have their way.

Learning the Ropes: 1963

DP Kohli, the founder director of the CBI, was in office when I was recruited. Though I did not have much of an opportunity to work with him except in one case, I remember an interesting aspect about him—he used to write his entire case file in his own hand and not dictate it. He was a visionary who designed the cadre system of the CBI in a unique way with a mix of directly recruited officers and state police officers on deputation. He understood the strengths and weaknesses of both systems and knew that for effective investigation, the two needed to work together.

When you grow up on James Bond movies and Sherlock Holmes novels, you imagine these characters as being out of this world, born with those superior skills that make them our heroes. But in my career as a CBI officer, I realised that one isn't born a Bond or Holmes but learns most of the tricks of the trade on the job. If you want to nab a criminal who has mastered the art of forgery, give him a bait he cannot bite without forging a document for you (PM's signature forgery); if you have to detect a crime, locate all the areas the crime impacted (train blast cases), and so on. And then, besides skills and training, there is also the factor of luck or chance or serendipity which comes as an angel to the investigating officer and sets in motion the wheels of justice.

PM's Signature Forgery: 1967

Ram Surat Rai, an erstwhile officer of the Indian Railways, was a confident man who frequented the corridors of power. He was the quintessential honourable family man, with a wife and child, the type of man whom everybody respects, and nobody would suspect of being a criminal. Indeed, one thinks twice about the choice of the word 'criminal'—'artistic thief'

may be a more appropriate phrase to describe him. The Bokaro Steel Plant (BSP) authorities ran a school which had the position of a teacher vacant. The BSP received a letter from the Prime Minister's Office (PMO) signed by none other than Prime Minister Indira Gandhi, recommending that Rai's better half be given the position. The letter was obviously not to be ignored, and the command would be carried out at the soonest by the recruitment department of the steel plant. The secretary of the steel plant went a step ahead in being earnest. He was visiting New Delhi for other work and thought it wise to call on the PMO and inform officers there that the Prime Minister's instructions were being diligently followed.

'What instructions?' came a retort, and the cat was out of the bag. There was no such letter from the PMO to the BSP. Rai had earlier been dismissed from the Railways for forgery. He was now using his talents to forge the PM's signature, besides that of ministers and MPs. The BSP secretary was indeed wise to have given a call to the PMO, except that he did not call to verify the contents of the letter but to seek blessings from the right quarters. Such are the ways of bureaucracy, caution and prevention are not the first thought, what is important is to please the *neta*.

Forging the PM's signature was an extremely serious crime for it posed an internal and external security threat—it is a non-bailable offence under Section 468 of the Indian Penal Code (IPC), and punishable by seven years or more imprisonment and fine. Amidst the alarm bells and biting of nails across the steel plant and PMO, the case landed on my table, and I went to Bokaro. I got the steel plant officials to send a telegram to Mrs Rai, the candidate, saying, 'Selected. Please come for final interview.'

The plan of investigation is a methodical exercise. We plan a few steps, part confident and part speculative of the next steps. The interview call was a bait with the confidence that she would come with her culpable husband. Rai was a man with a sense of triumph. He came to conquer without knowing that it was a mock interview and a laid-out trap. He was received with honours, folded hands, greetings and smiles abounding from all the officials present in the building. After all, he came with the PM's letter. To show further courtesy, he was invited to be part of the official interview. Exchanging pleasantries with the interview board, he coyly mentioned, the humble man that he was, how kind the PM had been to have recommended his wife for the position.

This admission in front of the board was necessary for compelling evidence. The material evidence however was not yet in my possession, and my first guess was that it would be at his residence in Varanasi. I sent him off to Dhanbad in police custody while his wife, who may or may not have been an accomplice, was put on a train to Gazipur. Meanwhile, my team and I had to rush to his Varanasi residence before anybody there got the wind of it. I did not detain the lady because if she was an accomplice, a delay in her return could have raised alarm in various quarters.

Mother Nature seemed to be watching the whole event as if it were an action drama and liked it so much that she sought to add visual effects towards the climax, and poured incessant rain in the dark of the night as we sat tight in BSP driver Panditji's station wagon. On the Grand Trunk Road, he often swerved off paddy fields, determined to reach Varanasi at the earliest. At one point where the road narrowed down creating a bottleneck, two trucks had come face to face with none being able to move, bringing traffic to a standstill. The rain had stopped, but my desperation to reach on time had not abated. Suddenly, Panditji, cursing under his breath and slandering the ancients who had produced such besotted specimens of mankind, swerved left and plunged the jeep down on to the adjacent fields. What expertise. The station wagon climbed a bush, side-swiped a tree, bounced into a nullah and after half a mile of this bone-jerking ride, he swerved to the right, went down a breach, clambered out and like an all-conquering tank emerged on the road again. Panditji was the real James Bond of this story.

We found heaps of evidence at Rai's residence—official stamps, letterheads of ministers including that of the Prime Minister, forged railway passes, forged letters from ministers and MPs. For what it was worth, his wife was not an accomplice, for when we reached her residence in Gazipur we found more evidence left untouched because she did not know what her husband had been up to.

A little piece of material history emerged that went straight into the CBI Museum, and is displayed often on television in news related to the CBI—Prime Minister Indira Gandhi's signature which I obtained as evidence. I still remember the day I marched into her office—no small feat for a junior officer; she obliged. The signature was needed by forensic experts to compare with the forged one.

The mock interview was ingenuity that you do not learn in training schools, but at work.

An Inside Job: 1968

Crimes like rape, murder and robbery need to be investigated thoroughly and expeditiously. However, a CBI investigating officer adds one more quality. The facts presented and thought out are invoked as *puja mantras*, their recitals are invocations in deep thought. It's this way of combing with a fine brush that picks up traces of even the most minute of particles from an act of crime. This has to be observed all along the way from the date, time and scene of a crime. From the Prime Minister's signature forgery to the five serial train blasts in 1993 on the anniversary of the demolition of the Babri Masjid, it was this process that led me to major breakthroughs.

In 1968, I was a junior CBI officer with merely five years of experience. It was a cold December morning that year in Delhi when I stood in front of Laxmi Corner at 4311, Bhairon Street—a narrow lane in chaotic Old Delhi with houses clustered on both sides, most of them ramshackle and filthy. How did I reach there? Two cheque frauds at public sector unit State Trading Corporation of India (STC). The State Bank of India (SBI) had debited the corporation ₹10,989 against a cheque issued for ₹10 by one of its department. A few months later, the SBI debited ₹38,300 against another cheque issued by the same department for ₹38. Some ₹50,000 had disappeared from STC's account against the two cheques.

The STC had no clue as to whom it had issued the cheques. It was hard to tell among the hundreds of daily transactions and the sea of people coming in and out of the Public Relations Office (PRO) department. The two banks where the cheques had been deposited also could not provide any clue about the identity of the account holder who had deposited or encashed the cheques.

When you read this story in 2019 it may seem odd. 'How can this ever be possible, the banks are crazy about documents, they have all our details, right?' you would wonder.

True, these days banks even have our biometric details. But back then there was no computerised system of maintaining records, no mandatory

know-your-customer (KYC) rules, no CCTV cameras to find out who is coming in and going out of a building. Such frauds were not so unlikely back then.

The STC wanted the CBI to solve the riddle. CBI Director asked the Delhi branch of the bureau to investigate, and even four months later the investigations had yielded no result. An angry Director reprimanded the unit and asked my unit Fraud Squad One to do the job under me. We solved the case in four days.

Back to Bhairon Street. This place was my safest bet since both cheques had been issued to companies who had their registered addresses on this street. One of these turned out to be false—the building could not be found. The other address was the one in front of which I was standing, trying to figure out who I was looking for. This was no office; it was a residential building with forty families living in it! ‘Does anybody among them have a connection with the STC,’ was my first line of investigation.

I sent one of my officers to do a survey of the residents. The first survey did not yield any result but like a doctor I was confident of my diagnosis—this was an insider’s job; so, I repeated the test. This time I sent a very intelligent officer in my team, Head Constable Narendra Singh Chawla.

Ramesh Chandra Sharma was an employee of the STC’s PRO till December 1968 and by the time I was doing this investigation he had been shifted to the Imported Cars cell. The Bhairon Street building in front of which I was standing included his residence. But he was not there in the building at that time; he was in Alwar visiting his in-laws along with his wife.

I was a family man myself, living alone with my wife and a two-year-old daughter in Delhi. As duty called, I had to leave my ailing child and wife at home on a cold December night in Delhi and leave for Alwar to apprehend Sharma.

We arrested Sharma from his in-law’s house in Alwar. I cannot be sure what his state of mind was—he seemed calm and was quick to confess the crime. But it was a shock and embarrassment for his wife and her family. The wife stood by with a red face and quiet desperation in her eyes as my team carried on a search and seizure operation. She perhaps had some hint of his crime as we found letters written by her to Sharma, cautioning him against wasting his ‘new earnings.’ Among the things we found was a diary

that showed an entry from 9 May 1968: ‘Cheque issued in favour of Messrs Laxmi Corner, Delhi, in the above date.’ It was telling evidence of his crime.

My case was already solved but we had to look for more clinching evidence. A little tin box caught my attention. I picked it up and opened it to find a bunch of letters tied up with a blue string neatly lined inside the box. Suddenly, I felt a pair of hands clutching at my arms, the wife had tears rolling down her cheeks. Though still holding on to her composure, she said in a trembling voice, ‘*Ye unki chitthia hai, rehne dijiye* (these are his letters, please leave them).’

Emotions got the better of the hardboiled officer in me. I put the letters back into the box and handed it over to her.

The crime: two cheques were issued to make payments of fake bills submitted by somebody in the STC’s PRO department. The cheques were of small amounts, but somebody had used a blade to fudge the amount, and the original handwriting had been emulated to add a few additional digits. But to prove that Sharma was the same person who had submitted the fake documents and bills and forged the cheque, submitted it to the banks and amassed the extra wealth was not easy. The bank officials did not agree to identify Sharma as the person who had submitted the cheque. My next option was to get the handwriting on the cheques verified against Sharma’s own handwriting, which we found on requisitions slips filled by him in the Imported Cars cell. At the PRO cell where he was posted earlier there was no trace of his handwritten documents as he worked there as a typist.

So, we now had the man, his handwriting samples from office documents and his immediate boss who confirmed that the office documents had been written by Sharma. In police custody, Sharma was asked to write a given piece of text on sheets of paper in the presence of witnesses. I would ask him to write them over and over again, write separately with his two hands, write while sitting, standing, lying down. I wanted to be thorough in obtaining his handwriting samples. I then got an expert’s opinion who matched his handwriting as corroborative evidence. With that body of evidence, satisfied that we had a foolproof case, we went to the trial court. We lost the case.

An important witness turned hostile and refused to identify Sharma’s handwriting. In a crime story, you have the criminal, the police and

investigators, the victim and then there are corrupt opportunistic fence sitters. Without moving a finger, they can sometimes become the key factor in making or breaking a case, and that was the incentive for them to turn corrupt.

We appealed the High Court where our evidence was better appreciated. The handwriting expert had identified the forged writing on both cheques as that of Sharma and this was accepted as valid evidence. It was also corroborated by letters from Sharma's wife to him where she mentioned the 'new wealth.' Sharma was found guilty in both cases of cheque fraud.

In his confession to me, which is not evidence under Indian laws, he said he got the idea of the crime from the casual manner in which payments were approved in the PRO department.

Sharma reminded me of Frank William Abagnale Jr, one of the world's most famous conmen and impostors. Abagnale had, between the ages of 15 and 21, committed cheques fraud worth millions of dollars in twelve countries impersonating eight persons including those of a Pan-American Airlines pilot, a lawyer and a general physician. After years of cat and mouse games with the law, he was arrested in 1969 at the age of 21. He served time in prison in France, Sweden and in the US. Five years into his twelfth year of prison time he was given an offer to be set free on the condition that he would help the Federal Bureau of Investigation (FBI) detect bank frauds. Abagnale was a prodigy, a genius who understood bank frauds like no one else did. Today, he is America's leading security consultant, a lecturer for the FBI Academy and the owner of Abagnale & Associates, a financial fraud consultancy company.

Our man Sharma too left a few lessons for the STC because of his cheque fraud. The STC, after 1968, issued only printed cheques eschewing handwritten ones altogether.

Train Blasts: 1993

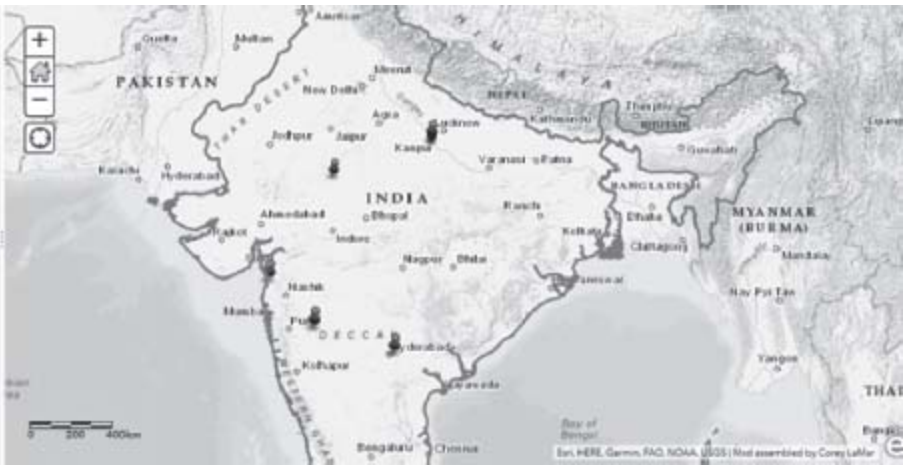
On an average, over three million crimes are reported annually in the country. According to the National Crime Records Bureau (NCRB) report of 2016, a total of 48,31,515 cognisable crimes comprising 29,75,711 IPC crimes and 18,55,804 Special & Local Laws (SLL) crimes were reported in 2016, indicating an increase of 2.6 per cent over the previous year.

How many of these crimes get solved? How are cases prioritised? Who decides which ones are to be investigated at the earliest? India's crime solving and conviction rate is abysmally low. Most cases remain unsolved as no evidence or clue can be found. In some cases, the police identifies an accused, gathers material evidence and files a chargesheet after which the case goes to court. But our conviction rate is low because witnesses turn hostile or evidence gathered is considered inadmissible in a court. These are broad strokes, and there are many other reasons why investigations fail, and it would be boring if I list down all the reasons here—this is after all not a training manual.

Of the many reasons, a remarkable one is when there is no human casualty, and obviously no victim who goes to the police to seek justice. The police can thus ignore the case. To be fair to the uniformed personnel, they are excessively preoccupied handling all types of cases, which is why I have often argued that within the police department maintainance of law and order and crime investigation should be done by separate units. Those investigating crimes must not be burdened with other duties.

I shall talk about this aspect later in the book. But, to come back to what happens to cases which do not get solved, the simple answer is that the criminals behind those cases become bolder.

At 10:50 pm on 5 December 1993 a bomb went off on the Rajdhani Express enroute from New Delhi to Howrah when the train was near Kanpur railway station in Uttar Pradesh. The next day at 5 am there was another blast on the Rajdhani Express on its way from Howrah to New Delhi, again near Kanpur. At 5.15 am, there was another blast, once again on the Rajdhani Express going from Mumbai Central to New Delhi near Kota railway station in Rajasthan. At 6 am, the fourth bomb went off on the Flying Queen Express going from Surat to Mumbai at Bestan railway station in Valsad, Gujarat. The fifth bomb blast took place at 7.05 am on the Andhra Pradesh Express from Hyderabad to Nizamuddin near Malkajgiri in Andhra Pradesh. The sixth was set for the Bangalore-Kurla Express but it was thwarted as the explosive device was detected and thrown out of the train near Karjat in Maharashtra.



The six serial blasts sent shock waves across the country. Nobody could understand anything except that it was the first anniversary of the dreadful Babri Masjid demolition on 6 December 1992 and seemed like a conspiracy to avenge a tragic event that changed India's social fabric forever. Compared to the devastation planned, the casualty was low. In most blasts, three or four people were injured, and only one blast on the AP Express led to the death of two people. There was no clue as to who may have committed the crime; no terrorist group had made any claim. There were no patterns, the blasts had happened in six different trains going on different routes across central India, but each time near a railway station. There was nothing common between the blasts except for the timing. The first information reports (FIR) were registered in each of the cases in different police stations at Kanpur, Kota, Valsad, Pune and Malkajgiri.

For weeks, the local police could not make a breakthrough. The matter was handed over to the CBI on 28 December 1993 under my leadership. On 13 January 1994, I led an operation with the assistance of the Special Operations Squad, Crime Branch, Mumbai in the Mominpura, Agripada area of Mumbai and arrested the main accused, Dr Mohammed Jalees Ansari.

The difference between a police officer and a CBI officer is that the latter is often better placed to understand a case, its facts and material evidences in a much more complex, exploratory and inductive manner than the former. Therefore, the same facts may see different analyses by the two types of officers. To me, the first line of thought was that this was an act of terror done with a high level of training and precision. While arms training

and theoretical training can be acquired in clandestine terror camps, a sinister plan of this nature also needed hands-on field testing.

So, if you wanted to cause six serial train blasts across the nation, you would have to first carry out smaller serial blasts to be sure that the plan worked. I wanted to find out if any cases of small blasts had been reported in the past months or years and whether these had been investigated. I ordered every police station in Maharashtra to check their records and ferret out bomb blast cases. It turned out that around Pune and Mumbai for almost a year and longer there had been several small blasts, in fact around forty of them, in which no casualty had been reported. It was obvious that these blasts were part of the field testing exercise. I asked the local police if anybody had been arrested in the cases. Concrete information came from the Nashik police station saying that one Dr Mohammed Jalees Ansari had been arrested but was later released on bail and the cases of low intensity blasts had remained unresolved.

I instantly knew this was the main suspect in the case of the serial blasts. Ansari was born in the 1960s in Bombay (now Mumbai) and first attended Maharashtra College, followed by Lokmanya Tilak Medical College from where he obtained his MBBS degree. He later revealed in his confessional statements that he always had a sense of discrimination and persecution while he was studying in medical college, which increased when he learnt about the Nellie Massacre in Assam and the 1984 communal riots in Bhiwandi and Bombay. The Babri Masjid demolition of December 1992 was the tipping point.

Ansari lived in Mominpura, a Muslim-dominated area in Agdipada, Bombay. I sent one of my officers in plain clothes to observe the area around his residence and find out more about him. But he could not even enter the locality as the residents were hostile to a ‘non-Muslim’ outsider. I sifted through my force to find a Muslim officer and sent him to the place. When we enter the force, we leave our religion and caste outside, we put our lives at risk to protect the internal and external security and work for peace and justice of the country. Yet our religion and our patriotism is sometimes questioned by religious and political zealots with vested interests.

The Muslim officer soon returned with comprehensive information on Ansari’s day-to-day activities and operations. The residents had

comfortably allowed my Muslim officer inside the area and revealed to him in great detail the whereabouts of Ansari. They confirmed he was a practising doctor who was known for his extreme views, and possible involvement with ‘foreign’ gangs sponsoring terror activities. Without wasting any time, I raided Ansari’s residence. We arrested him, and disclosures made by him led to the arrest of five more of his associates. We also recovered a cache of arms and ammunition, explosives, country-made revolvers, weapons of foreign make, wireless sets, detonators, timing devices, instruction manuals and foreign currency.

But this was still the tip of the iceberg. What was revealed upon further interrogation was not just chilling but also embarrassing for the entire police department. Upon interrogation, a countrywide terror network was revealed which had engineered over twenty-five bomb explosions, train derailments and other subversive activities for several years. Even more dangerous was the revelation that two terror attacks had been planned for the immediate future—one for 15 January 1994 in Bombay and the other for 26 January 1994 in New Delhi to coincide with the Republic Day parade.

One thing led to another—not only were the previous minor blasts cases solved, an entire terror network was busted, and two major calamities were prevented. It was matter of utter shame for the police in Bombay and other cities that for so long the cases of minor blasts had been left unsolved. Had the local police done their jobs and arrested Ansari earlier, these acts of terror could have been prevented. While the blasts were planned and executed on different trains in several states, I took the position in the investigation that it was a single conspiracy in which Ansari was the main conspirator and that all 21 accused persons should be prosecuted together. Deputy Inspector General Neeraj Kumar and Superintendent of Police (SP), Special Task Force, executed my directions in a brilliant manner and we prepared one chargesheet detailing all that had gone into the conspiracy. I choose to file the chargesheet in the Special TADA (Terrorism and Disruptive Activities [Prevention] Act) Court in Ajmer, Rajasthan, that had the original jurisdiction to try the accused responsible for the blast in Delhi-Mumbai Rajdhani Express train near Kota in the same state. The trial was conducted and monitored by SK Saxena, Deputy Legal Advisor.

Within four years of trial commencing, all the 21 accused were sentenced to life imprisonment by the trial court and confirmed by the Supreme Court. TADA has since lapsed as an Act but the law then provided for confessions recorded by officers of the rank of SP. The confessions of each of the accused were recorded by SP Harish Chandra Singh meticulously complying with the Supreme Court's directions and guidelines. While all the accused disowned what they had stated, Singh's careful compliance with the procedures stood us well. Incidentally, Ansari was again in the news as recently as January 2020 when he jumped parole in Mumbai. He was arrested from Kanpur on January 15, a day after he went missing.

Expeditious investigation and trial is crucial to working of the criminal justice system. While this maxim applies to all criminal cases, it is particularly important in cases of terrorism. The terrorist is not a criminal in his own eyes. He rationalises and justifies his criminal acts on the ground that the government has been unjust to him and those whose cause he espouses. The earlier such an individual is apprehended, the higher the chances others will not see him as a mentor of sorts. If Ansari had been booked early, he may perhaps not have been able to orchestrate some of the 50 blasts in trains that took place. There are many other examples of the tardy working of the justice system. In August 2018, five left-wing activists were arrested in connection with the violence that had taken place in January that year at Bhima Koregaon in Maharashtra. The investigation as well as the trial in the case was going on at the time of writing, with allegations of wrongdoing being levied by the persons involved.

A swift and efficient justice system is badly required in the country.

Sikand Murder Case: 1982

First you investigate and investigate till you crack the case, file the chargesheet and take it to the authorities responsible for prosecution. Then you study your case, study the law, study science, study forensics, and whatever else that needs to be studied, researched and understood to make sure that your case does not fall apart in court. You just don't give up. You pursue the case against all odds, you set out to achieve a legal miracle, and

you don’t stop until you have achieved it. Even if it takes decades. At the cost of sounding boastful, that’s what I did.

Let me take you to one such scene, this time the site of another blast and debris of a complex love story. On 2 October 1982, the second-floor bedroom of the apartment at 98, Sunder Nagar, New Delhi, was blown apart along with its sole inhabitant at the time of the blast, Krishan Sikand, a 39-year-old engineer—the Production Director of Sikand Engineering Pvt Limited—a divorcee. A hand grenade had been put inside a badminton shuttlecock box with a white plastic lid each at both ends of it. The box had been cut to a particular size so as to fit the hand grenade in such a manner that as soon as the box would be unpacked by loosening the strings, the pressure would ease and the grenade would explode—as it did on Sikand’s face who was opening the parcel, causing his instant death, disfiguring his entire face and body. It was a shockingly brutal death.

Sikand was an easygoing man who might have been living his life on the fast lane with romantic liaisons here and there but did not have an enemy. Why would anybody want to kill him so brutally? The Delhi Police was baffled, and the case remained unsolved for six months. By the time it came to a unit headed by me, the crime scene had been restored, debris removed, doors and windows rebuilt, plastered, cemented, new paint was on the wall and new fittings and fixtures were in place—it was a brand new flat.

The crime scene with all material evidence was reduced to debris and ashes and packed and sealed in boxes by the Delhi Police to be shipped to Dr GR Prasad, Head of the Ballistic Division, General Forensic Science Laboratory, Delhi. Dr Prasad had already done a preliminary investigation of the debris and found bits and pieces of the explosive parcel and managed to piece together its outer covering which had the address of the receiver and sender written on it with a typewriter. The parcel was addressed to ‘Shri Krishan Sikand, 98, Sunder Nagar, Delhi and came from Delhi Metals, 290, Hauz Quazi, Delhi.’ It was a fictitious address.

However, this was not going to help, and I was certain there was more in the debris. So, my colleague and I spent another nine hours spread over two days scrutinising each and every bit of the debris to reconstruct the scene of the crime and the weapon. We achieved the following:

- The hand grenade could be partially reconstructed;

- It was identified as a grenade made at a Pakistan Ordnance Factory fitted with a detonator manufactured by the Ammunition Factory at Kirkee, Pune;
- The tubular box for shuttlecocks was also partially reconstructed;
- The copper wire that controlled the grenade lever was recovered;
- Pieces of thread used to tie the parcel were extracted.

This was enough evidence to point the needle of suspicion towards one person. He was a highly decorated Army officer, the only son of a former police chief of Delhi—Lt Col SJ Chaudhary alias Jeeti Chaudhary. Why of all the people did we dare to go after such a senior Army officer? Therein lies the story of passionate love and diabolic jealousy that was deep-rooted in sinister male arrogance.

At the time of his murder, Sikand was in a live-in relationship with Rani, a war widow who had remarried, but her second marriage too had turned sour and she had finally found true love or so it seemed in Sikand, who had also left behind one marriage. The two of them were hoping to start a new life together. Their relationship had not been easy. When Rani first met Sikand, she was in the middle of a bitterly fought divorce. Her obsessive husband would not let her get out of the bad marriage. He used his muscle, money and influence—everything—to stop her. He sought to make Rani withdraw the divorce petition through the intervention of her friends. When that didn't work, he issued repeated threats, verbally and in writing, to kill Rani and her lover Sikand.

Rani's ex-husband—who couldn't come to terms with the fact that a woman had the right to live her life according to her wishes, that she was not an object and that you would keep her locked forever—was our honourable decorated Lt Col SJ Chaudhary.

From the make of the weapon, a Pakistani hand grenade believed to have been obtained by the Indian Army after the victory in the 1971 war, and the expertise with which it was planted, and the history of his diabolic jealousy and obsession, our case was cracked—the crime could not have been committed by anybody except Chaudhary.

But knowing we have cracked the case is of no use unless we have enough material evidence to prove our theory, join all the dots in the story,

and form a complete chain of evidence to pin down the culprit. To collect evidence, a team of CBI officers searched the house of Chaudhary at Friends Colony, his suite in Pragati Vihar Hostel, his office in Vayu Bhawan and his Standard Herald car.

The materials obtained from the debris matched with the ones obtained from his home, office and other places. The forensic experts could match the pieces of thread recovered from his office drawer with that obtained from the debris used to tie the parcel; a wire-cutter was obtained from his car which corresponded with the copper wire. But then, anybody can have a wire-cutter and the same type of thread. So, anybody could be a suspect. The rule is that various pieces of evidence have to unflinchingly provide only one theory as to who could be the accused, not multiple theories. In this case, if we could identify who wrote the address on the parcel it would have immediately connected the whole set of evidence with our main suspect. Now, here was the problem. Even an ordinary person knows that to identify or decipher any handwriting we seek the opinions of an external or third-party expert. But the address written on the parcel was not by hand but on a typewriter.

The Indian criminal system is mainly based on three important laws—the Indian Penal Code, 1860 which defines the crime and prescribes punishment; the Criminal Procedure Code (CrPC), 1973 which lays down the various procedures through which crimes should be investigated and prosecuted; and the Indian Evidence Act, 1872 which lays down which materials, facts and circumstances can be accepted as valid evidence in any case. Even before arresting our suspect or framing any charges, I already knew that Section 45 of the Indian Evidence Act was going to be a major roadblock in my investigation. The section deals with the question of accepting an expert's opinion on an issue of foreign law, question of science, art or about identifying handwriting or a fingerprint.

As the law stood at the time of the investigation, typewriter machines or typewritten pieces were not specifically mentioned in Section 45. But in 1952, the Supreme Court in the case of *Hanumant Nergundkar v State of Maharashtra* had already pronounced that an opinion on typewritten material could not be called an expert opinion as per Section 45, and as such not admissible as evidence. This was not just a major challenge, but also a great demotivating factor. I felt like we had lost the battle even before

we could take the case to court. First, we did not know which typewriter machine had been used to write the address. Second, even if we could find the machine and gather enough witnesses and expert opinions to connect the machine to Chaudhary, with a Supreme Court precedent already in place, there was no way the trial court was going to allow the expert opinion as evidence. A high court too cannot interfere with a Supreme Court Division Bench judgment. And the Supreme Court itself can overrule the decision only by a five-member bench.

That was the uphill task staring me in the face; it would be a miracle if this case was to go in the CBI's favour. But I was determined to not give up. Without worrying about what would happen in court, I focused on doing my job and leaving the rest to the court. With my team, I went searching for the typewriter machine that was used by Chaudhary. It was not his office typewriter.

There was only one option to find out about the typewriter—directly ask Chaudhary. This was tricky, because he was a highly decorated Armyman, and one has to be careful before putting any charge on such a person. Remember, in the film *A Few Good Men* (1992) starring Tom Cruise, Jack Nicholson and Demi Moore how risky it was for Lt Daniel Kaffee to put Col Jessup in the witness box and confront him directly with allegations without any evidence—on the mere hope that he would confess to his crimes on being cross-questioned. It was a similar situation that my team and I were in.

Chaudhary was requested to come for interrogation to our Lok Nayak Bhawan office on 1 August 1983. After some hours of questioning and finding him obdurate, MP Singh, the DSP to whom I had assigned the case, arrested Chaudhary who was sent to police custody till 6 August by the Metropolitan Magistrate.

The three officers in whose custody Chaudhary was to be interrogated were Singh, playing the tough bad cop with no mercy; DSP BR Puri with his soft side and who spoke the same Punjabi mother tongue as Chaudhary, played the good cop; and then there was I, who was of the same age and background as Chaudhary but rude and hell-bent on putting the case on him by hook or crook.

Of course, 'hook or crook' isn't what the law of the land and the oath of integrity and honesty we took allowed us to do, but that's how we made it

appear in front of the accused to mentally pressurise him. Custodial interrogation is a science and needs meticulous preparation. Our preparation worked and after relentless interrogation for two days and three nights, Chaudhary's will to resist broke and he made his statement disclosing the location of the typewriter at a commercial typing college in Lajpat Nagar market in South Delhi.

A team rushed to the college. Specimen typescripts of all typewriters in that college—13 of them—were obtained. But the specimen obtained in August 1983, ten months after the crime, would not have been valid because the typewriter must have gone through wear and tear; so, the typescript could not be matched with something written ten months ago. We needed a specimen from the time Chaudhary used the typewriter. Fortunately, it being a typing college there were typing test papers by students which were marked and kept with the trainer. A total of 704 typescripts were collected which were to be now scrutinised to see which one matched with the writing on the parcel. The expert who had to go through this herculean task was SK Gupta, Assistant Chemical Examiner, Head of the Documents Division, Central Forensic Science Laboratory (CFSL).

In the history of evidence law and 'expert opinions' in India, Gupta's opinion dated 26 September 1983 is worth its weight in gold. To my team and I, it was a reward for the dogged determination in zeroing in on the murderer the 'expert' way, despite knowing that the road ahead was blocked. Gupta had connected one of the specimen typescripts to that found on the booby-trap parcel, thus pinning down Chaudhary. I wrote in my final report summing up the investigation, 'The entire evidence is circumstantial. But this evidence is an inextricable net comprising evidence of motive, of threat, of dexterity, of involvement, of conduct and it is tightly laced with the evidence of experts....'

Sometimes hard and long battles are fought in courts for months, years and decades even, when you are uncertain of the ultimate fate of the case. This is the story of that effort, how it was conceptualised, laboured upon, put in court, where it lost successively and finally won. Or not. Maybe you can never win.

Additional Sessions Judge SC Jain had little option in front of him when the defence counsel had presented the settled law in the Hanumant

Nergundkar case. Expert opinion on typescripts could not be brought on record and evaluated. On appeal, the high court refused to interfere. Justice MK Chawla dismissed the revision with the observation, ‘No interference in the order is called for.’

Both orders were expected. We needed a miracle to hold Chaudhary guilty. We now started preparing for that miracle. Usually after two successive courts dismiss a case, we do not pursue the case anymore. But in this case my team and everybody else involved felt that the settled law itself had to be challenged in view of the fact that when Section 45 of the Evidence Act was written typewriters were not known and when the Supreme Court gave its earlier judgment the science behind the technology used by typewriter machines was not fully understood.

Advocate PK Choubey assisted by CS Sharma, Senior Public Prosecutor and Singh conducted laborious and meticulous research on typewriters and the technology behind the machines, and a pile of enormous data was presented to the Supreme Court’s five-member bench. The matter before court was a question of law and not fact, and the short point was whether the opinion of the typewriting expert was admissible as evidence under Section 45 of the Indian Evidence Act. We knew that once the question of law was settled in our favour, the evidence would automatically help us prove the charge of murder against Chaudhary.

The Supreme Court judgment came in 1996—the year of my retirement—thirteen years after the case went to the trial court. The long period of wait however was worth every bit as it became a landmark judgment overturning the law which had stood for thirty years (on the date of the murder). The Supreme Court decided in favour of the State through the CBI dismissing both the trial court and high court judgments. It was held that ‘the examination of typewriting and identification of the typewriter, on which the questioned document was typed, is based on a scientific study of certain significant features of the typewriter, peculiar to a particular typewriter and its individualities, which can be studied by an expert having professional skill in the subject and therefore his opinion on that point relates to an aspect in the field of science which falls within the ambit of Section 45 of the Indian Evidence Act.’

We relentlessly walked on the thorny path to justice, not leaving a stone unturned in getting our prime suspect convicted. We pursued the course of

justice against odds, but did we succeed? Did the septuagenarian HD Sikand, the father of Krishan find justice? Or, did his bereaved lover Rani?

No. Not until another ten years. It was only after a total of twenty-six years from the date of the murder, in April 2008 when the sessions court found Chaudhary guilty[12] of the murder of Krishan Sikand, that the 98-year-old father breathed a sigh of relief. Unfortunately, in just one year, in May 2009, accused Chaudhary found relief in his appeal to the High Court which set aside his conviction and acquitted him of the charges.[13]

As the Gita says, we have to keep doing our *karma*, the consequences are not in our hands. That said, I cannot emphasise enough on the many maladies that ail our justice system, starting with the police, the CBI, and then the courts. Read on.

3
Glorious Days, Dark Days

22 September 2018. ‘The ex-President has effectively called the Prime Minister of India a thief,’ Indian National Congress president Rahul Gandhi made a direct attack at Prime Minister Narendra Modi.

The Rafale plot thickened as the ex-President of France Francois Hollande made a statement in an interview that the ‘offset’ contract in the $8.7 billion government-to-government deal between France and India for the purchase of 36 Rafale jets in 2016 went to a company headed by Anil Ambani that had come into existence merely twelve days earlier, because that was the partner that the Indian government had suggested. ‘The Indian government proposed this partner and Dassault negotiated with Ambani,’ Hollande said, according to *Mediapart*, a French media group in a report posted on 21 September. ‘We were given no choice, we took the partner which was appointed,’ he added.

Opposition parties had been alleging for months that there were financial irregularities, kickbacks and other forms of corruption in the Rafale deal. When the Congress president was desperately trying to find the BJP’s Bofors moment, the statement by Hollande came as a shot in his arm. And, how had the central government responded to such severe allegations —by dismissing the charges, name-calling Opposition parties, interjecting with dramatic disdain that the very idea of questioning Prime Minister Modi’s actions in France would be against the law of this nation, the laws of nature and the laws of heaven and hell. More on the Rafale case comes later in this book.

* * * * *

Life Insurance Corporation of India Scam: 1957

Flashback, six decades ago. The year was 1957, ten years after independence. The nation's first Prime Minister, Jawaharlal Nehru, was confronted with India's first financial scam. The new nation that had reposed great hopes on its leaders eagerly awaited his response. Many kept a close eye on the developments, with fingers crossed and hoping that an example would be set.

In the monsoon session of Parliament in 1957, Congress MP Ram Subhag Singh (who later split from the party and became the the Leader of the Opposition briefly in 1969[14]) posed a question to Finance Minister TT Krishnamachari, seeking clarifications over a newspaper report which briefly mentioned financial irregularities in the newly-nationalised Life Insurance Corporation of India (LIC).[15] You read that right—it was a Congress MP who rose to his feet to bring the issue to the attention of the House. Wait till you hear the name of the person who rallied behind the issue, led a nationwide furore making passionate speeches in the Parliament, and even demanding a probe into the matter—Feroze Gandhi, the Congress MP from Rae Bareily and the son-in-law of the Prime Minister.

Such were the times.

The LIC was like a child to Feroze Gandhi. He had played a defining role in the nationalisation of the life insurance business in India, by way of the Life Insurance of India Act, 1956, under which 245 firms were nationalised and consolidated under what we now call the LIC. In June 1957, a sum of about ₹1.24 crore was invested by the LIC into buying shares of six dubious companies owned by Haridas Mundhra, a Calcutta-based businessman. Mundhra was born into a trading family and started his business career as a light bulb salesman. Soon, he made an empire of crores for himself. 'I wondered: How did he become so rich, so fast?' By 'fast deals and stock juggling' as Justice Mohammadali Carim Chagla wrote in his autobiography.[16] He would buy shares of small companies, then jack up the prices of the shares by rumour-mongering and sell these off.

Mundhra somehow got the LIC to make the risky investments in his sinking companies, and the share purchase took place without following the due process of consulting the LIC's investment committee. The amount of ₹1.24 crore was no small amount for its time, in fact it was the largest

investment by the LIC till that date. A newspaper got wind of the deal and reported the matter without mentioning name of the firms. This led to a parliamentary question by Singh but Krishnamachari replied to the question only partially, perhaps cleverly hiding his role in it.

Feroze Gandhi was disturbed with the misleading answer. He found more details, based on his own informal investigation, and initiated one of the most dynamic Parliamentary debates on 16 December 1957. He started with the words, 'Parliament must exercise vigilance and control over the biggest and most powerful financial institution it has created, the Life Insurance Corporation of India, whose misapplication of public funds we shall scrutinise today.'[17] Gandhi hit out at Principal Finance Secretary HM Patel and Krishnamachari directly, claiming that the irregularities took place at their behest. He also claimed that he was in possession of confidential letters exchanged between Patel and Krishnamachari regarding the investment. Journalist Inder Malhotra wrote in *The Indian Express* about the debate, 'So devastating was his exposure of wrongdoing and so voluminous the support to him by other MPs, that Nehru spoke of the 'majesty of Parliament' and announced a judicial inquiry.'[18]

Unlike today, there was no breaking news on media, no hashtag to run on social media. The Mundhra scam appeared as the fleeting tweet of a tiny bird at the window that flew away in seconds. It was no 'gate' moment unlike Watergate in the US or Coalgate in India. Ignoring the matter or hushing it up should have been a cakewalk for people as powerful as Krishnamachari.

But back then, at the helm of affairs were people with honesty and integrity. Drawing parallels between the crusade led by Feroze Gandhi against a minister of his own party, and that of demands of resignation from the Board of Control for Cricket in India (BCCI) chief N Srinivasan over the role of his son-in-law, Gopal Krishna Gandhi wrote, 'Today, when a father-in-law is seen as being compromised by a son-in-law, that event of the 1950s when a father-in-law was given 'a moral moment' by a son-in-law, is more than history. It is paradigmal.'[19]

Nehru ordered a probe by appointing Mohammadali Carim Chagla, former Chief Justice of the Bombay High Court as the one-man commission of inquiry. The inquiry was completed at a remarkable speed in just about 20–25 days. The hearing was conducted in public and remains a marvel in

transparency and robust investigation. The commission found Patel to be primarily guilty of advising (or commanding) LIC Chairman KR Kamath to buy the shares in Mundhra's company at wrong prices. Records were found to have been forged. Krishnamachari's direct involvement could not be conclusively proven, but Justice Chagla ruled that the minister could not escape moral and constitutional responsibility for the dubious deal since it had happened under his watch.

'Moral and constitutional responsibility' forced Krishnamachari to resign from his post in February 1958. Around the same time, Mundhra was arrested from a suite at Claridges Hotel in New Delhi and had to serve 22 years in prison.

India's destiny might have breathed easy. The nation's first culprit involved in a financial scandal did not go unpunished; the rich and the influential had to bow down before the rule of law. The forefathers set an example that the nation should have followed for the next several decades, seventy years and longer.

But, did we? Not at all.

Jayanti Dharma Teja, the Original Vijay Mallya

At the time of his arrest, Haridas Mundhra was the country's No.1. tax evader.

In the second position was a person on whose fascinating life epic blockbuster movies could have been made. A nuclear physicist, a mathematical genius, a music connoisseur, a six-foot tall, flamboyant handsome man born into an illustrious family, who was a globetrotter, a self-proclaimed genius, a diplomat who enjoyed privileges and protection as a State guest of Costa Rica, the father of the Shipping Corporation of India (SCI), a financial wizard who at one point claimed to be making $1,000 per day—he was Jayanti Dharma Teja, former chairman of Jayanti Shipping Company.

In 1981, Teja was the second highest tax evader owing ₹7.17 crore to the Income Tax and Wealth Tax department. At this time, he was a fugitive who had been convicted nine years earlier on 19 October 1972 by Additional Sessions Judge Muni Lal Jain to three years rigorous

imprisonment on five counts under Section 409 of the IPC (criminal breach of trust), three years under Section 467 of the IPC (forgery and falsification of accounts), and one year under Section 429 of the IPC (cheating), all the sentences having to run concurrently, and was also ordered to pay a fine of ₹14,13,000—a judgment which brought to a close a case registered by the CBI against Teja in 1966. But he escaped from India in 1977, leaving behind dues of ₹4 crore to the Income Tax Department. Curiously, Teja returned to the country in 1982.

What happened thereafter is also the stuff of movies. The years that led up to the arrest of Teja is the real story, because that is the CBI's story—the years of relentless investigation, legal chase and extradition proceedings by the CBI that finally led to Teja's conviction in 1972 represents a major milestone in the agency's chequered career.

Teja, the Lalit Modi, Vijay Mallya, Nirav Modi and Mehul Choksi of the 1960s and the 1970s, was raised with Brahmo Samaj values. His father was among the founding members of the Congress unit in Orissa (now Odisha) and Andhra Pradesh, and Teja claimed that Nehru, Gandhi and several other Congress leaders would frequent his childhood home. In his youth, he had the patronage of Nehru, which is how he established his shipping business. Prime Minister Morarji Desai had reportedly once said, 'Teja is free to come and go whenever he chooses. The country has got more from him than what he owes.' And yet, he went to prison.

Those were the times indeed.

In the early 1950s, Teja had found his way to the US via Mysore and London where he had pulled a small company by the bootstrap, trebled its turnover and also set up a chain of research laboratories which sold patented processes worth millions of dollars bringing him on an average of $1,000 per day. Then he became tired of making money and wanted to come back to India and do something for the country.

In the early sixties he came to India and with patronage of benefactor Prime Minister Nehru, he set up the Jayanti Shipping Corporation. Nehru was an admirer of talent, hard work and sheer genius. Even though there were certain members in the bureaucracy who were not sure of Teja's claim of being able to build the SCI, Nehru referred the loan application for initial investment by the government with an endorsement 'give him a little something,' which turned out to be ₹20 crore.[20]

With this, Teja bought 26 ships from Mitsubishi Heavy Industries of Japan at low prices—he paid only the first instalment and by hypothecating the ships bought some more. Within a few months the business grew rapidly, and Jayanti Shipping Corporation hogged around 40 per cent share in the country's shipping industry. He soon became a multi-talented national and international figure doing business in various nations, and owning villas in France and the US.

As things go in politics, when you become the apple of somebody's eyes, specially the most powerful man's eyes, you become an eyesore for the rest. In 1964, after Nehru's death, Teja's detractors started to attack him, having borne grudges against him for years. His business began to suffer and in the meanwhile the shipping yards with which he did business began to notice that loan repayment instalments had stopped coming in. Teja was deep in debt.

Not that he was particularly bothered. The media was still abuzz with testimonies of many who met Teja, with journalists Inder Malhotra and Sumit Mitra describing Teja as most nonchalant. There was not a furrow on his brow no matter how grim his situation might have appeared.

In 1966, soon after Indira Gandhi came to power, there was enormous pressure on her to investigate the financial affairs of Teja. Soon, the government on basis of complaints directed an inquiry into his firms and Teja, who was in France at the time. He visited India on 6 May 1966 but left within four days. In August, the CBI registered a case against Teja and his wife, and in October their passports were cancelled. Their whereabouts were not known until February 1967 when the CBI received information that they were in the US where they had applied for permanent citizenship.

Teja was revered in certain circles in the US and getting a citizenship would probably have been very easy for him, but our young and energetic CBI, born out of the Delhi Special Police Act merely four years earlier, had this one opportunity to prove its mettle.

The Consulate General of India was alerted that Teja and his wife's passports were cancelled, and that they were wanted for criminal prosecution by Indian investigative agencies. The American authorities commenced proceedings for their deportation. Meanwhile, in the Indian capital, the CBI initiated proceedings in the court of the Sub-Divisional Magistrate, New Delhi to obtain warrants for the arrest and extradition of

the couple from the US which were issued by the magistrate on 27 April 1967.

Teja never considered himself as the one who had broken the law and never bothered to cover his tracks; it was easy to find evidence against him. Starting from Tokyo, the trail of Teja's financial fiddling took us to New York, London and Oslo. In each city, shipping companies that had dealings with Teja produced evidence of massive kickbacks to him and his wife, which had been paid into their account in a Swiss bank. Armed with the warrants and the evidence, extradition proceedings were begun against Teja and his wife in the US. At the CBI's request, the couple was arrested, and an inquiry held to consider their extradition. We even hired an American lawyer—one Steinburg for a princely fee of $10,000 (₹75,000) to represent us.

The couple remained under arrest during the extradition proceedings, but soon the US Commissioner released them on bail for an amount of $25,000. Before the proceedings could end, they jumped bail and left the US leaving no clue about where they could have gone. Even though the extradition order was granted to the CBI, it was a massive setback for the agency. The CBI kept vigil, and Indian consulates all over the world were alerted about the fugitive couple. In September 1967 news came from Costa Rica that Teja had happily settled down there, enjoying State honour.

India's national treasure was suddenly Costa Rica's State guest. Teja knew how to charm people. Or, perhaps it was all about money. The CBI's inquiries revealed that Hose Figueres, former President of the republic, was broke and there was an election to fight. Teja gave him $200,000. We knew an attempt to extradite Teja from Costa Rica would be like attempting to move the tiger's kill from right under its nose. Not only was the State more than eager to protect him, India did not have an extradition treaty with Costa Rica either. But we went ahead and initiated proceedings and went all the way to the Supreme Court of Costa Rica. The CBI hired American lawyers to handle the case. During the proceedings, Teja stated that he had renounced Indian citizenship with effect from 26 April 1970 and applied for a grant of permanent residence and citizenship of Costa Rica.

Teja was perhaps the first Indian economic offender to find a safe haven in the Caribbean. Mehul Choksi acquiring citizenship of Antigua in 2018 is among the latest. Then there are also Winsome Diamonds, whose promoter

Jatin Mehta owes ₹7,000 crore to Indian banks. He became a citizen of St Kitts and Nevis, and several others—they are the new 'Pirates of the Caribbean.'[21] Costa Rica not only protected Teja in all possible ways by providing legal support and by influencing the judiciary, the government of that country also granted him a diplomatic passport. On this passport, he made the mistake of travelling all over the world again. Paris today, London tomorrow. During one such trip, on 24 July 1970 he was arrested at Heathrow Airport in London with the help of the Scotland Yard.

Fresh extradition proceedings were initiated at a competent court in London, and in October 1971, the Queen's Bench Division passed the extradition order in favour of India. Having spent some of his days in a US jail followed by time in a jail in the UK, Teja went to Tihar jail in Delhi as a Category A undertrial prisoner. His bail application on grounds of health, commitment to not escape, and several others was rejected by the Delhi High Court, which observed that from material evidence and past records there was every chance that Teja would jump bail if granted one. The court found it significant to notice that the application for bail during the pendency of the extradition proceedings in the UK had also been refused. In October 1972, Teja was sentenced to three years in prison along with a fine.

Teja's extradition was one of the longest and most meticulously fought extradition battles that remains a historic success in the annals of extradition proceedings by India. The CBI went about town like a victorious soldier just returning from the war front. The accolades kept pouring in. Compare this with the present extradition proceedings against Vijay Mallya in the same UK Court. The same CBI and the same extradition proceedings, but no success so far. The CBI returns as a failed hero. Why?

First Bureaucrat Jailed for Corruption: 1953

As I go down memory lane, reminiscing my own journey, along with that of the CBI's, it seems I am stuck nostalgically with the good old days. Old is gold they say; so, a few more golden drops then.

February 1953: Indian Civil Service (ICS) officer SA Venkatraman, Secretary to the Ministry of Commerce and Industry in the Union government was accused of receiving illegal gratification (a few bottles of whisky as per press media reports of the time) in a cycle parts import scam.

The central government directed a formal and public enquiry in accordance with the provisions of the Public Servants (Inquiries) Act, 1850. Sir Arthur Trevor Harries, a former Chief Justice of the Calcutta High Court, was appointed as the commissioner. Some of the charges against Venkataraman were:

- misbehaviour inasmuch as he showed undue favour to Millars Timber and Trading Company Limited in the issue of import and export licences, by abusing his position as a public servant in the discharge of his duties; and
- accepted or obtained valuable things for himself and other members of his family, without paying for them, from Millars Timber and Trading Company.

The commission found him guilty of the charges. The central government after consultation with the Union Public Service Commission (UPSC) imposed the extreme penalty of dismissal on him. Venkataraman was dismissed from service on 17 September 1953.

But the investigation and disciplinary action against the officer, one of the most revered in the Indian bureaucracy, was not where the zeal to fight corruption and maintain the rule of law ended.

In February 1954, the Delhi Special Police Establishment submitted a chargesheet before the sessions court charging him with offences under Sections 161 and 165 of the IPC and Section 5(2) of the Prevention of Corruption Act. Venkataraman challenged the criminal proceedings in the Supreme Court on grounds that he had been tried and punished for the said corruption; so, he could not be tried again. The Supreme Court dismissed the writ petition, the case went back to the sessions court where in 1955 the bureaucrat was sentenced to six months simple imprisonment.

A senior bureaucrat went to jail, a first in India.

First Union Minister Jailed for Corruption: 1951

From the honourable bureaucrat to the powerful landlord-turned-politician and Minister for Industries, nobody was spared.

Shiv Bahadur Singh was a *jagirdar* in the Vindhyachal region, now Madhya Pradesh. During the struggle for independence, he joined the Congress party and in 1949 became Minister for Industries of then United State of Vindhya Pradesh. In the state of Panna, one of the components of Vindhya Pradesh, there existed a contract dating back to August 1936, between the Panna Durbar and the Panna Diamond Mining Syndicate to carry on diamond mining operations in the region for 15 years. But in October 1947, the Durbar ordered mining activities to be shut down on grounds that these were being carried out in an improper manner.

The facts go back before independence and before the reorganisation of states; so, such facts would be unfamiliar to many. Understanding them is not so important. The crux of the story is that Singh in his capacity as Minister for Industries forged documents to nullify the order of the Durbar so that the syndicate could continue its mining operations. For doing this favour, he received a bribe of ₹25,000 from one Nagindas Mehta, a representative of the syndicate. The Secretary of his Ministry too colluded and both were charged with criminal conspiracy, for accepting illegal gratification for committing forgery.

Both were tried in a sessions court which acquitted them, but the government filed an appeal with a Judicial Commissioner who in March 1951 held both guilty of corruption. Singh was sentenced to rigorous imprisonment for three years and fined ₹2,000 under Section 120-B of the IPC and to rigorous imprisonment for three years under Section 161 of the IPC. The two sentences were to run concurrently.

The Supreme Court upheld the conviction, and the minister went to jail.

* * * * *

As middle-class citizens of a developing nation we are often apathetic about the state of affairs around us—we accept corruption and misdoings by political leaders as part of the bargain. But the mere thought that corrupt politicians with immense power, money and influence could or did end up in jail on corruption charges no matter how insignificant the sum of the bribe or the act of corruption, is in itself an empowering thought. It puts our faith back in the system; it makes us believe that every good action we take is for nation-building and every bad act by a person would result in

punishment. We then realise that our lives have some meaning beyond the personal—car, home, family. As citizens, we care for a ‘larger purpose.’

This is also true for a CBI officer, and for all officials who are on the line of duty, whose job is to nab the guilty and protect honest hardworking citizens in order to establish the rule of law in the country.

Unfortunately, those days of motivational empowering police success stories were shortlived and are now gone. Today, politicians and public servants are most comfortably placed to bestow absolute power unto themselves. After serving thirty-three years in the CBI, I have no hesitation to say that these two segments of our society today are by and large together and compromise the fountainhead of crime. Their abomination knows no bounds as they commit crimes, venal and horrendous, and they do it all the time, afflicting both society and those ordained to preserve law and order alike. The Indian police is accused of being a cesspool of corruption and among the variegated groups of public servants in the subcontinent they alone enjoy the power to arrest without a warrant, something they have used to the hilt to place themselves at the forefront in the business of power. They abuse the poor, economically and socially marginalised sections, they extort small-time traders, they collect protection money from street vendors. On the orders of their political masters, they arrest those with dissenting voices, and flaunt their power.

And yet, a ‘Single Directive’ stared at the police and CBI’s face for the longest time making them inconsequential and ineffective of any real action at curbing corruption. This Single Directive still exists, but in a different garb. The weak are fodder for prosecution, the powerful are seldom punished.

So, where does a CBI officer find himself in this scenario, especially an officer like me who belonged to the early batches of directly recruited enthusiasts who believed in the rule of law and considered himself a vital tool in the process? For what it’s worth, the CBI is still the only group of public servants that has retained a modicum of credibility and despite the limitations imposed on it, notwithstanding its failures, this group has served as the country’s iron fist in its battle against corruption and crime.

I did my bit. Ironically, I manoeuvred my way through the course of investigations and prosecutions, I devised strategies and loopholes, not to

gain riches, but to stay put on the path of justice. I am not saying I always succeeded, but I tried.

Birla Textiles Scam: 1975

In 1975, I stood up, stomped my feet and looked into the eyes of BK Birla, the third son of one of India's greatest industrialists GD Birla, and expressed my utter disapproval of his most indecent proposal, 'It is an affront. This is entirely unexpected,' I roared. Birla, along with the other distinguished men present in the room—Suresh Chandra Roy, an ex-sheriff and high-profile resident of Calcutta (now Kolkata); RC Maheshwari, industrialist—were all left flummoxed.

It was perhaps one of the early cases where I noticed political interference in the working of the CBI. In 1967, the CBI was investigating an alleged conspiracy involving all the operations of Birla Textiles for breaching laws leading to massive evasion of excise duty. Various factories, offices and liaison outlets of the company were searched and an FIR was filed in June 1967. After a brief stint in Calcutta and Lucknow, I arrived in Delhi in September and joined the investigation.

Soon it was clear to me that the investigation had been deliberately initiated at the behest of certain political leaders. The scions of the Birla empire were propping up the right-wing Swatantra Party and this was a bit too much for Prime Minister Indira Gandhi who, aided by information collected by 'Young Turk' Chandra Shekhar (who went on to become Prime Minister of India for a brief period in 1990-91), first directed the Directorate of Revenue Intelligence (DRI) and then the CBI to launch an investigation.

The Birlas however took to courts to challenge the investigation, and the Supreme Court decided in their favour. The search operations conducted earlier were declared illegal and all the material seized were to be returned to the Birlas. The charges of excise duty evasion would remain based on the documents available from official sources.

The investigation continued, but in February 1973 I was sent back to Calcutta where I assumed charge as Superintendent of Police, Economic Offences Wing (EOW) and I thought the case was behind me. The CBI carried on legal proceedings in various courts seeking custody of the

documents required in the investigations. In particular, the case against New Swadeshi and Manjushri Textile Mill looked strong and the CBI persisted in holding on to the documents. The ding-dong battle continued till 1974 when the Supreme Court decided in favour of the CBI.

The history of cases pursued by the CBI will show you that through the sixties and seventies it was in the nature of the CBI to relentlessly pursue cases till the top court, and take recourse to all available legal options to get to the bottom of crimes committed. Giving up midway was not an option. But in recent decades, the CBI has mysteriously stopped pursuing important cases and then equally mysteriously resumed investigating cases. For example, in 2005 the Delhi High Court quashed charges against all the persons accused in the sensational Bofors Scam allegedly involving Prime Minister Rajiv Gandhi. Twelve years later, in February 2018, the CBI filed an appeal against the high court order. Twelve years! This is sheer misuse-of-the-machinery politics. The Supreme Court itself has several times pulled up the CBI for delays in appeal.

After the Supreme Court decision in the Birla Textiles case, I was ordered to resume investigation and also to continue in my role as SP in the EOW. The odd documents relating to the case were in Delhi, while the other documents were in Ahmedabad where I had to be physically present. Double duty, double pressure and on top of that a five-day test match between India and the West Indies at Calcutta’s Eden Gardens. There was no way I would miss the match.

For my official travels, I was entitled to train journeys, but this one time I manipulated my way to catch a Calcutta-Ahmedabad flight and saved myself a long train journey. I saw the test match and witnessed India demolishing the mighty Clive Lloyd’s team and then dashed off to Ahmedabad. I was joined by MD Agarkar, DSP, to assist me and John Lobo, DIG who later became Director CBI, to oversee the investigation. We spent long days and nights scrutinising the documents at the textile mill.

We found that a huge conspiracy had been hatched from the very top, and it had been going on since 1964. Excise duty is a tax paid by industry on goods produced in the country. The amount of duty is based on what you are producing. If you produce tea, you will pay a particular amount of duty. If you produce coffee, you will have to pay a different amount. The classification of the goods produced, its quality and its nature—all decide

the quantum of excise duty to be paid by the manufacturer and herein lies the scope for tax evasion. If you don't mention what product you are making, it is an irregularity. For example, if you are making green tea, and you only mention tea, it is an attempt to avoid the higher duties levied on green tea.

That is what happened in this particular textile mill in the Birla group. It was producing yarn of a particular variety, but what was mentioned in official documents was something else. As a result, the company was paying less duty than what it should have. Between 1964 and 1967, the company avoided paying taxes to the tune of slightly more than ₹2 lakh, not exactly a measly sum in the late sixties. As per my investigation, the Managing Director SN Hada was directly responsible for the discrepancies.

Officials at the mill refused to give us all the documents we wanted; nor did they provide samples of the yarn and other products to us. We dragged them to the Gujarat High Court where we won the legal dispute. The company then went to the Supreme Court where we again won. The CBI regained the ground it had lost earlier in the Supreme Court when the previous searches had been declared illegal. This time, we argued strongly that while looking at one set of documents (which the mill had agreed to part with) indications of tax evasion had surfaced, and it was the CBI's statutory duty to investigate the new angle. Thus, the CBI needed to seize additional material evidence. The Supreme Court accepted our argument.

With new material on record, the transparency and authenticity of which were thoroughly scrutinised and signed affidavits in court, we prepared a foolproof case against the mill, personally implicating Birla and Hada. We were just a step away from taking them to court.

After an arduous journey of legal proceedings and meticulous investigations, we nabbed the bigwigs. What we got as reward in a few days was a terrible sense of betrayal. Birla's name was dropped by the CBI Director Devinder Sen. He overruled the opinions held by Agarkar and me and decided that Birla's name be dropped. Hada and the others were summoned to the court, and whatever happened thereafter is buried deep in the dark recesses of the CBI.

Birla requested the ex-sheriff of Calcutta—Roy—to set up a meeting with me. I was not keen at all. The trial in the textiles case had not yet started—Birla's name had been dropped but Hada's was still among the

accused and I was in charge of things. So, there were also professional risks in meeting him. Moreover, Sen's behaviour was mysterious, The CBI head was the one who insisted that I drop Birla's name, and then he was also most unhappy that Birla wished to meet me. Something was going on there between powerful people. I was still a young officer untainted, upright. But Roy was persistent; so, I met him at his New Road residence in the posh Alipur area of Calcutta.

In hindsight, it was not a good meeting and I could have avoided it. Not only did Birla directly confront me to ask if I was making a second attempt to pin him down in the case after having failed the first time, to ask this question itself was highly inappropriate. These are the ways in which the rich and influential try to influence cases, sometimes by offering niceties, sometimes riches, sometimes pure threats and intimidation. Officers in the police, CBI and other agencies, do their jobs at great risk to their own and their family's lives for meagre salaries. We are out there defending the law not for money but for the codes of duty and honour ingrained in us. But if a character of distinction appears in front of a person and asks, 'Are you trying to investigate me,' what is one supposed to say?

I stood my ground, unmoved. I said, 'I wanted to prosecute you, but my superiors have decided otherwise. I am no longer in this game.' Birla then crossed the line and asked if I could drop Hada's name from the investigations.

'It is an affront. This is entirely unexpected,' I roared and walked out of that room. But the proposal Birla made in the garb of a 'request' to drop Hada's name from the investigation proceedings must have found another benefactor, for Hada had the last laugh. He was not prosecuted until the day I retired in 1996, and the government of India eventually withdrew the case in March 2009.

Arrest of Minister Kalpnath Rai: 1996

With experience, I learned how to avoid political interference by taking a longer and more circuitous route to justice rather than the straight one prescribed in law books—investigate, chargesheet, prosecute.

India Today magazine on 29 February 1996 ran a special report on the arrest of former Union Minister Kalpnath Rai on charges of sheltering

associates of notorious underworld don Dawood Ibrahim.[22]

The report stated that even after he was arrested, Rai remained brazenly arrogant and kept denying the charges against him. It traced his background and referred to several allegations of corruption against him, in all of which he had till then always managed to get away. For example, in 1994 when he was Union Food Minister there was an acute shortage of sugar in India, and his role in it was not properly investigated. Rai was also chargesheeted in a hawala case in which he allegedly received ₹71.5 lakh. But none warranted arrest until this case in which a furious Justice SN Dhingra issued a non-bailable warrant against him. The CBI picked him up well before dawn, and he was remanded to 14-day judicial custody by 10 am.

My appearance in the *India Today* story was towards the middle of the report. ‘In February last year, Justice Dhingra had pulled up the CBI for deliberately ignoring the criminal politician ‘nexus’ and asked it to book all those who ‘act as patrons to criminals,’ reported the magazine. Here I was standing in the courtroom being pulled up by Justice Dhingra for not having filed the chargesheet earlier.

Rai was a loudmouthed seasoned politician who had the patronage of several senior Congress leaders all the way up to Indira Gandhi, and after her, Rajiv Gandhi. PV Narasimha Rao, however, was not very fond of him. At the time of this case, he had quit the Congress party and taken a vow he would not rest till he had ‘exposed’ Rao.[23] In 1991, Rai was the Union Minister for Power. Five seasoned criminals belonging to Dawood Ibrahim’s gang were arrested in July 1993 in connection with crimes committed at three different times: April 1991, an attack on villagers in Vadarai, Maharashtra; March, 1993, a building was blasted in Mumbai; same time, and at around the same time there had been a shootout at JJ Hospital, Mumbai.

On investigating these criminals and from their confessional statements, a strong nexus with politicians was found. It came to light that Rai had ordered that a guest house of the National Thermal Power Corporation (NTPC) in Delhi be reserved for months for two criminals who were wanted by the Maharashtra Police for murder and several heinous crimes. The entire expenditure for their stay and food was borne by the public sector undertaking at the express oral and written instructions of the staff of the ‘honourable’ minister.

Imagine the gravity of the matter. People's money was being spent in giving shelter to terrorists and criminals who had caused death and destruction. The matter was extremely serious and there was no way I was going to ignore it. But the initial attempt to investigate Rai's role made me realise that it would not be easy to file a chargesheet against him. Rai was uncooperative. He refused even to be questioned by the CBI and every time he was contacted, he turned abusive. All those abusive words were meticulously noted and filed. The CBI had collected a great deal of evidence against him—there was a line-up of witnesses to substantiate our case, particularly SP Rai who was to become an approver.

It was my strategy to put the entire evidence in front of the court without specifying the charges against him on the plea that investigation was still continuing. Additional Sessions Judge Dhingra read the evidence and slammed the CBI for not filing the chargesheet. I secretly chuckled and set out to arrest Kalpnath Rai and two others. Political interference was avoided by making the criminal believe that they were not being watched, and they would not be prosecuted. They were caught off guard and did not even get the time to use their political clout.

And this strategy created history of sorts. A year later, in March 1997, Justice Dhingra sentenced Rai to 10 years rigorous imprisonment under the Terrorist and Disruptive Activities (Prevention) Act, 1985 (TADA) and a penalty of ₹10 lakh was imposed on him for harbouring two hitmen of Dawood Ibrahim. It was a historic judgment without precedent, as Rai became the first-ever cabinet minister to be arrested and then convicted in the history of independent India.

4
The Rot Begins

On 19 July 2018, the CBI filed a supplementary chargesheet against former Union Home Minister and Finance Minister Palaniappan Chidambaram, his son Karti Chidambaram and five other public officials including a former Secretary, a Joint Secretary, an Under Secretary and a Joint Director of Economic Affairs in the Ministry of Finance in the Aircel Maxis case.

This case in which the CBI filed fresh charges against Chidambaram four years after the first chargesheet filed was yet another case where the government in power was using the CBI for conducting a political witch-hunt. No additional evidence was required—the gaping holes in CBI's investigation in this case revealed that the agency was being influenced by the powers that be, whether it was the BJP-led National Democratic Alliance (NDA) government in 2018 or the Congress-led UPA government earlier.

The Aircel Maxis case started in 2006 when politician-advocate Subramanian Swamy moved the Supreme Court and demanded an investigation. In 2014, the CBI filed a chargesheet against the two Maran brothers—Dayanidhi and Kalanidhi, the first of whom had been Union Minister of Communications, while the other was at the helms of the Sun Media Group—and some other officials, but the case was dismissed by the Special CBI Judge OP Saini who concluded that no criminal offence had occurred. After the BJP government came to power, the CBI reopened the case, and it is now under revision. Meanwhile, Swamy had been insisting from the very beginning that Chidambaram should be criminally charged, alleging that he had earlier been the approving authority for the deal between Aircel and Maxis. But then, this had always been the charge against Chidambaram. So, the question was: why did the CBI fail to prosecute Chidambaram earlier? Should we not assume that it was because, back then, they were under the influence of the UPA government? The alternative assumption would be that there was no case, and that they are

influenced by the BJP government now. Either way, it shows the CBI in a very bad light. The bureau's officials must explain this gap in their investigation, which seems to have changed its course with the change in government.

Successive governments, irrespective of party affiliation, have used the CBI to score political points over its political opponents. The irony is that several political regimes that came to power on an anti-corruption agenda conveniently steered clear of making real efforts to clean up the system. Yet the same leaders shout the loudest against corruption when they are part of the Opposition. In this circus, the people of India are taken for a ride. They repose their trust in political leaders who promise to take serious measures to tackle corruption, but every leader has so far failed them.

One part of the problem is built into the system itself that we need to fix. The CBI needs the government's permission to investigate cases of corruption against government officials. Consider the journey of the Single Directive. This trendy phrase that sounds like jargon from a futuristic science fiction movie was an order issued by the central government way back in the mid-eighties, which made it mandatory for the CBI to take prior approval of the government before initiating even preliminary investigations against corrupt officers in all civil services of the rank/grade of Joint Secretary and above. In effect, the provision was an instrument of political interference that undermined the CBI's autonomy. In a case where a CBI official has reason to believe that an offence has been committed, she or he would still need the government's permission to investigate the case. It put the watchdog on a short leash.

The Single Directive was challenged in court by Swamy, who appeared to be one of the fiercest anti-corruption crusaders in India. But if we trace his own fight against this provision, we notice that even he has failed in rising above his political allegiance, and his fight against the Single Directive died a silent death after the BJP government came to power in May 2014 and he became a member of the Rajya Sabha subsequently.

In December 1997, a three-member bench of the Supreme Court hearing a Public Interest Litigation (PIL) filed by journalist and anti-corruption activist Vineet Narain under Article 32 of the Constitution against the 'failures' of the CBI, Central Vigilance Commission (CVC) and other agencies to investigate the Jain Hawala Diaries, also adjudicated upon the

validity of the Single Directive. The court declared this provision unconstitutional and violative of Article 14 which guarantees the right to equality to every Indian citizen. It also gave a series of directions to the CBI and the CVC to ensure that their future investigations were free from political interference.

However, in 2003, the NDA government led by Prime Minister Atal Bihari Vajpayee decided to undermine the Supreme Court judgment by giving a statutory status to the CVC and by amending the DSPE Act. Readers might remember that the CBI and CVC came into existence in 1963 and 1964 respectively by executive orders and despite the felt need to strengthen them by giving statutory powers, successive governments failed to do so. Suddenly in 2003, the NDA government enacted the Central Vigilance Commission Act (CVC Act) and as part of the legislation, reintroduced the Single Directive declared invalid earlier by the Supreme Court. The DSPE Act (which is the legislative base of the CBI) was accordingly also amended.

In February 2005, Swamy and the Centre for Public Interest Litigation (CPIL) led by advocate Prashant Bhushan, in a series of PILs, challenged the constitutional validity of the legislation (Section 26C of the CVC Act and Section 6A of the DSPE Act which was inserted by the amendment). A larger bench of the apex court was constituted to decide these petitions and in May 2014, at the fag end of the UPA tenure, a five-member bench of the Supreme Court declared the Single Directive as violative of Article 14 and unconstitutional—for the second time.

Within few weeks of this judgment, the BJP-led NDA government came to power with a historic mandate after a gap of decades, the party obtained a majority of seats in the Lok Sabha. The people of India wanted to get rid of the corruption that had become synonymous with the Congress party. And what did the BJP government do? They diluted the 30-year-old Prevention of Corruption Act (PCA), 1988 by introducing new amendments and once again reintroduced the Single Directive. With the insertion of Section 17A in the PCA, the mandatory requirement of obtaining the government’s permission before initiating investigations was now extended to all bureaucrats, not just senior ones but even to retired bureaucrats. Further, the bureaucracy was now given a blanket cover from investigations as the CBI would now need prior sanctions at two stages—inquiry and prosecution.

In the eighties, a Congress government had put the watchdog on leash. Over thirty years later, a BJP government, which came to power fighting the Congress's years of corruption, tightened the leash. Swamy is yet to approach court against the reintroduction of the Single Directive in a different avatar.

While the Emergency period during the seventies was an anomaly that adversely affected governance, law and order, civil liberties and institutional integrity, the CBI's downfall in particular started in the mid-eighties. 'The CBI's once exemplary record of 75 per cent convictions has dipped by 5 per cent since 1987. The reasons are clear. The CBI's plate is full of politically-sensitive cases that other agencies should be handling. Many of its top sleuths are engaged in this work and they find it demoralising,' wrote Pankaj Pachauri in a special report titled 'CBI transformed into a political tool of the ruling party' in *India Today* (15 September 1989).

The article mentioned several cases handed over to the CBI by the government which had more to do with politics than crime. It also listed several politically-sensitive cases in which the CBI's role was compromised and the institution played a role in covering up corruption. Sadly, in one such case, involving journalist Arun Shourie and Congress MP Kamal Nath, I was involved as the investigator, and I confess that the CBI indeed failed to do its duty in the case.[24]

Arun Shourie, Kamal Nath and a Cover-Up: 1989

Exactly four decades before N Ram of *The Hindu* newspaper published a few pages of a government file related to the Rafale defence deal to expose a possible case of corruption and the Prime Minister's direct involvement in the deal, Arun Shourie, then editor of *The Indian Express* had published a letter from the Deputy Director of the Enforcement Directorate (ED), Kolkata to Bhure Lal, Director ED, and exposed a possible financial scam by the Congress MP Kamal Nath from Chhindwara, Madhya Pradesh.

The authenticity of certain documents published in the media alleging corruption was doubted by the Congress government (as they are doubted now by the BJP government). The more things change, the more they remain the same. The only difference is that back then there were no social

media trolls to call the editor anti-national just because he alleged corruption by the ruling regime.

The published letter contained the narrative that a search operation was undertaken in Kolkata in the premises of a firm to which Nath and his father were connected. It alleged that there were violations of the Foreign Exchange Regulation Act (FERA) by the company in support of which some evidence was also recovered. The operation was called off midway on the orders of a bigwig in the Finance Ministry. Shourie argued that somebody in Rajiv Gandhi's cabinet was trying to protect Nath and immediately raised doubts about the authenticity of the published letter. That's where I stepped in. I was tasked by Director Mohan G Katre to investigate whether the letter was original or forged.

The scope of my investigation was limited, and the finding was really embarrassing for Gandhi, perhaps for no fault of his. I don't think he had the slightest clue what somebody inside his cabinet was up to, because if he did, he would not have ordered the CBI to investigate.

All that was achieved by my investigation was that it was confirmed the damning letter was indeed genuine, and it raised several new questions which fell outside my scope of enquiry and therefore, I didn't delve into them. But the fact remained that Shourie's story had exposed a cover-up initiated at the behest of Congress MP Arun Nehru, who sent instructions to Bhure Lal's second-in-command at the ED to stop the search operations midway. The matter surely needed further investigation by the CBI, but it was never taken up.

Director Katre and his successors must take the blame and have much to answer for. Just as the CBI directors who replaced Alok Verma in a sudden midnight coup by the government have to answer the question posed by none other than the Supreme Court as to why no FIR was filed by the CBI against the Prime Minister and others in the Rafale deal after a complaint was registered. More on this case later.

Truth of the Hawala Scam: 1991

The Jain Hawala Diaries were found in May 1991 following the arrest of one Ashfak Hussain Lone, alleged to be a part of the extremist organisation Hizbul Mujahideen. (Hawala can simply be described as an illegal method

of transferring and laundering black money.) Following his interrogation, the CBI raided the premises of one Surendra Kumar Jain, his brothers, relations and businesses during which a large amount of cash, two diaries and two notebooks were seized. The search operation was conducted under the DIG, OP Sharma.

The diaries, which later came to be known as the Jain Hawala Diaries, created a furore in the media and became symbolic of everything that was wrong with our political and bureaucratic system. Contained within the pages of a thin notebook were handwritten accounts of vast payments allegedly made to persons identified only by their initials. Each page mentioned a month followed by certain initials like 'LKA', 'MRS', 'JC', etc, along with an amount in two or three digits mentioned against each set of initials. The word 'cash' could be seen next to certain entries but not all, and the amounts were totalled at the end of a list with each page having multiple signatures with dates. These were clearly the debit and credit entries with the accounts explained at the end of each day and the initials were arguably names of individuals who received the payments. For example, LKA was suspected to be BJP leader Lal Krishna Advani.

The disclosures led to huge hue and cry. An incriminating nexus between politicians, bureaucrats and criminals and even terrorists had been unearthed. The seizure of the diaries should have resulted in every investigative agency in the nation springing into action from the Income Tax Department to the CBI, and the writer of the diary and his associates should have been arrested on the day of the search and seizure itself. But most mysteriously, for a period of one and half months, from 3 May 1991 to 14 June 1991 the diaries disappeared from the face of the earth.

Sharma, under whose supervision the search operation was conducted, allegedly tried to conceal the diaries. Instead of investigating them, he allegedly started threatening the Jain brothers—Surendra Kumar and Janendra Jain—by invoking charges under the Terrorist and Disruptive Activities (Prevention) Act against them and demanding a bribe to hush up the case. Surendra contacted one LK Kaul who knew Sharma and agreed to pay the bribe in instalments. In a convoluted double-cross game Kaul later filed a complaint with the CBI against Sharma and that was when the agency got wind of the hush-up.

An elaborate trap was laid for Sharma on 18 June in which ₹10 lakh in cash brushed with chemical powder was to be handed over to him by Kaul in the way that money had already been paid to him. Soon after handing over the cash-filled briefcase, Kaul raised an alarm. The CBI officials who were waiting outside barged into the room. Sharma tried to throw the bag away, but his hands already had the chemical powder and when the officials asked him to dip his hand in water, they turned red. Sharma, an awardee of the President's Police Medal, was literally caught red-handed accepting bribes. On 24 June, he was served with a suspension order endorsed by Prime Minister PV Narasimha Rao.[25] In March 2013, he was convicted and sentenced to a year's imprisonment.[26]

Sharma was jailed for not investigating the diaries. But what happened to the crimes revealed in them?

On 23 August 1993, *Jansatta* newspaper carried a headline, '*Karoro ke ghaple par kundli marke baithi hai CBI* (CBI sitting coiled on a scam involving crores).' But the CBI was no longer sitting coiled on the scam on this date. Cautious and careful investigations had already started under my leadership—I had then been in the post of Joint Director (Anti-Corruption) since March 1993. But the media was right in its scathing criticism. We had lost valuable time since there had been no investigation for almost a year and a half.

Why? That is anybody's guess. Four years later when senior BJP leader Advani and Congress leader VC Shukla were acquitted in the case, fingers were pointed at Prime Minister Rao for using the Jain Hawala Diaries to launch a political witch-hunt against both the Opposition as well as his rivals in his own party.

Let us pause here. From where did Advani and Shukla come into the picture? Why were only these two out of the several names (by way of initials) which appeared in the diary, in the limelight? The answer lies in the ingenious corruption story that the hawala scam was.

Bribery and *quid pro quo* are textbook forms of corruption; there is nothing 'creative' or unusual about them. Sharma's bribery was not the real corruption in this case. The real story was how a deliberately weak chargesheet was filed against two 'soft' targets to save the posteriors of other political leaders cutting across party lines from being investigated for

very grave acts of bribery and corruption that were suggested in the pages of Jain Hawala Diaries.

For a lay person's understanding, any CBI investigation follows the following sequence: an alleged offence comes to the agency's notice by a source or via a government probe order; the CBI then conducts a secret preliminary investigation; if the preliminary investigation reveals a case worth pursuing, a formal case is registered; the accused persons are subsequently arrested or interrogated, evidence is collected; once the CBI is convinced that a crime has been committed and the evidence on record shows that the accused person can be held guilty, a chargesheet is filed in the court. Though there are roadblocks in this process, which sometimes tie our hands and reduce us to being mere agents of a ruling regime, let's keep the not-so-cool part for later. As of now, let's pretend that the CBI is this all-powerful independent agency which has full autonomy in carrying out its investigations.

In an ideal situation, between receiving information about a crime, the lodging of an FIR, arrests, interrogation, investigation, and the filing of a chargesheet, the last step is the most crucial. Everything else falls apart if a chargesheet is not correctly framed. Accordingly, the CBI and the police should be doubly sure of their investigation and the evidence, before filing a chargesheet. The collapse of the Jain Hawala Diaries case, with every accused person going scot-free, was the result of a hurriedly filed chargesheet without proper investigation.

The ingenuity of using the 'chargesheet' itself as an instrument of corruption and collusion—that is the genius of India's political class.

I was handed over the case in March 1993. By September 1993, after completing the first phase of my investigation, I was convinced that the payments mentioned in the diaries were more than just bribes. I believed that payments aggregating approximately ₹64 crore in foreign exchange had been stashed away outside India and was made available to various high-ranking individuals. I held the view that Surendra Jain was merely a conduit.

The initials were supposed to be those of important leaders from various political parties, but a thorough investigation was required to find out who they were. This never happened. On my recommendation, an investigation into the foreign money belonging to politicians and bureaucrats was carried

out in the US and the UK by DIG Amod Kanth. The results of the investigation were yet to reach my hand, but I learnt informally from the horse's mouth that these payments were indeed illegal transfers of unaccounted foreign money to important politicians, bureaucrats and criminals—from unlawful sources given for unlawful considerations. The issue was extremely grave as it posed a great threat to the unity and integrity of the nation.

In spite of my investigations and the progress I tried to make, the fact is that the CBI remained inactive and failed to pursue the case for almost five years from May 1991 when the diaries were found till January 1996. The CBI's inertia in the matter prompted Vineet Narain and other public-spirited individuals to take the case to the apex court. In January 1996, under a directive from the Supreme Court, a Special Hawala Court was set up presided over by Judge VP Gupta. A series of chargesheets was filed by the CBI under the leadership of CBI Director Vijay Rama Rao in the special court against the Jain brothers and their associates, Advani and Shukla.

I had retired by then, but did not experience the peace and quiet of retired life as I soon got entangled in yet another messy political turmoil related to the Urea Scam. My decades of honesty and integrity were being attacked by corrupt and unethical journalists, either for media attention or for political gain, or both. During this time, I met BJP leader and senior lawyer Arun Jaitley for legal advice, particularly on the issue of taking legal action against Prabhu Chawla, the then Editor of the *Financial Express*. Jaitley was kind enough to give me a whole afternoon of his expert guidance, following which I took Chawla to the Press Council of India. He was censured and the *Financial Express* had to withdraw the defamatory story against me and issue an apology.

The brief yet fruitful meeting with Jaitley led him to share with me the crisis that the BJP was facing at that time and sought my advice on the chargesheet filed by the CBI against Advani. I was shocked to see the paucity of evidence in the chargesheet and flummoxed as to how the CBI could find it fit to file one. It also made no sense as to why Advani's case was chosen to be the first to be pushed to the court when there were over twenty other names in the diaries. What was the point of going after Advani with empty hands knowing full well that the case was bound to fall apart?

In jurisprudence, a valid piece of evidence is that which is incontrovertible. If there is even an iota of doubt in the evidence, the benefit would be given to the accused who is presumed innocent until proven guilty. In the present case, there was only one incontrovertible piece of evidence—the handwritten diaries and the loose sheets maintained by the Jain brothers. The content of the diaries did not prove anything but merely pointed towards acts of corruption. These had to be investigated and corroborated by other facts, testimonies of witnesses and a battery of admissible incontrovertible evidence. Besides the hawala transactions, the dairies also straightaway merited investigation under the Income Tax Act and FERA against the Jain brothers. Instead of pursuing these clear and present legally strong courses, the CBI filed a chargesheet against Advani on the basis of the diaries, the contents of which were not proven. It was an investigative suicide. Who took this decision? What was the guiding principle behind it?

V Rama Rao took over as CBI Director in 1993, succeeding SK Dutta. He first got rid of me from the investigations. Then, he removed my aide Kanth who under my orders had carried out the investigations overseas. Prior to him, the investigations into the veracity of the diaries were stalled and hushed up by CBI Director Vijay Karan presumably under instructions from Prime Minister Chandra Shekhar. There were payment entries made against the initials that raised suspicion that V Krishnamurthy (about whom I have another account to narrate) had received hawala money. CBI Director Dutta revived the case and handed the investigation back to me in March 1993, but once V Rama Rao took over, he put the final nail in the coffin. The Jain Hawala Diaries case was literally destroyed during his tenure.

The Delhi High Court judge who acquitted Advani and others in April 1997 considered questions of the admissibility of the diary as evidence under Section 34 of the Indian Evidence Act. The judgment held that:

> ...there is no evidence against the petitioners except the diaries, notebooks and the loose sheet with regard to the alleged payments... There is no evidence in the instant case with regard to the monies which are alleged to have been received by Jains for the purpose of disbursement. There is no evidence with regard to the disbursement of the amount. Then there is no evidence with regard to the fact to prove

> *prima facie* that the petitioners i.e. Mr L.K. Advani and Mr V.C. Shukla accepted the alleged amounts as a motive or reward for showing favour or disfavour to any person and that the said favours and disfavours were shown in the discharge of their duties as public servants as contemplated by S.7 of the Act.

The court was right. No evidence existed because the diaries were never investigated. With the diaries and notebooks becoming inadmissible as evidence, the Jain Hawala Diaries case sunk without a trace, leaving several corrupt politicians and bureaucrats across party lines unscathed.

Krishnamurthy Saga: 1992

Be you ever so high, the law is above you.

The famous utterance by Thomas Fuller in the 17th century was used by the well-known British lawyer and judge Lord Denning in July 1977. Several Indian judges have also used the sentence in their judgments including the judgment in the Vineet Narain case to emphasise the utmost importance to the principles of equality enshrined in the Constitution of India.

In the early nineties, few people in the country's political scene were as high and mighty as V Krishnamurthy. He had started his life's journey as a young boy from Thanjavur, Tamil Nadu with merely a diploma in engineering and then cleared competitive examinations to join the central engineering services in 1955. By 1985, Prime Minister Rajiv Gandhi had appointed him the chief of the Steel Authority of India Limited (SAIL), hailed by all as a public sector unit czar, and was awarded the Padma Bhushan in 1986. Prior to this, he had been the general manager of Bharat Heavy Electricals Limited (BHEL), where he had trouble with the CBI in 1977, but managed to find his way out and kept rising through the ranks, yielding more and more power. He also headed car-maker Maruti Udyog Limited and held important positions in the Union Government. Money whitewashes every scar, and absolves the corrupt of every sin, and Krishnamurthy is a prime example of this adage.

In 1992, he was a member of the Planning Commission and a minister of state. That was the year when one of India's biggest financial scandals—the Securities Scam—hit the headlines. The irregularities had caused a loss of wealth of ₹4,000 crore and exposed loopholes in the Indian banking system, the working of the Bombay Stock Exchange (BSE) and the regulator of the country's financial markets, the Securities and Exchange Board of India (SEBI). The man behind this scam was Harshad Mehta. The scandal tarnished the reputations of several big names—from industrialists to politicians and bank officials, including the Reserve Bank of India (RBI) Governor S Venkitaramanan into a cesspool of corruption.

One such name was that of Krishnamurthy, who was alleged to have sought and received large sums of money from Big Bull Mehta. The accounts of Mehta's company, Growmore Research and Asset Management indicated that a cheque for ₹32.74 lakh had been issued in favour of a company by the name of KJ Investments, in which Krishnamurthy's son was a promoter and director.

I was the CBI Joint Director at this time, heading the anti-corruption division, and was asked by Director Dutta to lead the investigations against Krishnamurthy who had emerged as the key figure in the Securities Scam. The PMO had given the CBI permission to investigate the allegations, which was rather surprising as everyone knew the power Krishnamurthy wielded. Perhaps Prime Minister Narasimha Rao was indeed a petty man, as a noted journalist called him once, 'a first-rate prime minister and a third-rate man' or may be the PMO was eager to appear honest and upright. We will find out the real reason soon.

I was aware of how powerful and influential Krishnamurthy was. So, I picked up a sledgehammer to embark upon the investigations and within four days of secret enquiries I was convinced that a much deeper probe was required into the charges and ordered that he be taken into police remand. On 7 August 1992, in an unprecedented move, the CBI arrested Krishnamurthy and his son.[27] Usually the CBI does not arrest government officials, but this was an unusual situation. I ordered search operations at his residence and his offices in various parts of the country. His elder son and he had already been interrogated, and arrangements were being made to issue an arrest warrant for his younger son who was based in the US. Krishnamurthy was being confronted by Mehta, who was also in police

custody pursuant to another investigation also under my leadership. So far, the investigation team had faced no hurdle as each of our actions had the approval of the trial court under whose jurisdiction the investigations were being carried out.

However, hurdles soon started to come our way as we reached a point where the investigations were required to be conducted overseas, in particular over his assets in a Swiss bank. I have written elsewhere about the technicalities of the Single Directive, a procedural requirement which often becomes a tool of corruption and influence, and here was another procedural tool that became one that sometimes aided the corrupt—the 'letter rogatory.' A letter rogatory is a formal request obtained from an Indian court for a foreign court to seek judicial assistance in that country, particularly in the process of collecting evidence.

In order to investigate Krishnamurthy's unaccounted money stashed away in a Swiss bank, the CBI had already approached the competent court in India to grant us permission to approach the competent court in Switzerland and obtain Krishnamurthy's bank details. But before the court could grant the letter rogatory, it needed the central government's assurance that the information received and collected by the agency would not be used for any other purpose except the investigation for which the letter was being granted. The CBI and the competent court would have to wait for the central government's permission before the issuance of the letter rogatory. Without the letter, a Swiss court could not be approached, and the investigation would come to a halt.

We approached the PMO for the assurance. I was complacent in thinking that obtaining the assurance would not pose to be a problem. The PMO had already given us permission to investigate Krishnamurthy; why would they not want us to go the full course? Nishikant Sinha, Joint Secretary in the PMO, called me up as soon as he received the request. He was warm, cordial and assured me that the PMO's assurance as required by the court before granting of the letter rogatory would soon be available to the CBI.

A week passed without the assurance. But I received another call from Sinha and this time he sounded worried. It turned out that AN Verma, Secretary to the Prime Minister was not very sure about giving the assurance and had sought clarifications from me. I answered whatever

clarifications Sinha sought but the assurance was not granted for weeks thereafter. Meanwhile, the court had been giving us dates to submit the PMO's assurance, and each time the CBI had to cut a sorry face and submit the same information before the court—that the government's assurance was awaited.

Students and practitioners of law who regularly visit the courts would come across several cases where the judges blast CBI representatives for procedural delays, failure to perform its duties, submit documents and evidence on time and so on. On such occasions, CBI officials and legal representatives would stand in a courtroom with their heads bowed down listening to all the reprimands. Few would know that in many of these situations, our lips are sealed and our hands tied by someone above, someone we could not name, who was trying to stall the investigations and making the CBI look bad in front of the court.

The PMO's assurance, a simple procedural formality, which was promptly completed in just one and half days in the investigation of the Bofors case, was never granted to the CBI in the investigation against Krishnamurthy. I received another call from Sinha in which he appeared to be angry and upset. There was a lot of yelling. He tried to intimidate me and put me on the backfoot by alleging that I had not followed proper procedures to obtain the letter rogatory. This was a pretentious departure from his first phone call when he was warm and cordial and assured me that the PMO would cooperate and help the CBI. He was now pointing fingers at the CBI, questioning why we had at all approached the court for the request letter without first obtaining the central government's permission. Clearly, there was pressure from above. I tried to reason with him and put forth some of my arguments, but the more I tried to reason, the more he seemed to get angry and upset.

'There is no such law which mandates us to first approach the central government. We approached the government on the court's order,' I said.

'We will change the law,' he raged on. As if the 'horror' of the 'preposterous idea' that the CBI had no mandate to seek the government's permission before investigating corruption had hit him hard. 'Oh my, is there no such mandate? What if the CBI comes after the government then? What if they come after the PMO?' seemed to be his most troubling thought at that moment.

I also told him that we had followed exactly the same process in the Bofors case and in the case of the missing gold mohurs from the Nizam's treasury. To be sure that the government did not pin down the failure of this investigation on the CBI, I suggested that the government give us in writing that they were refusing the assurance so that we could inform the court that the central government was not willing to cooperate. I obviously expected too much. The letter rogatory was denied to us, but no explanation was put on record. Earlier, the government had also denied us permission to investigate Krishnamurthy's links with the Sumitomo group in Japan. This left us with the most bewildering question—what could possibly be the reason behind the central government's refusal to cooperate with the CBI in its investigations against Krishnamurthy when the government itself had given the initial permission to investigate?

Apparently, the idea they had ('they' as in the powers-that be) was to expose only Krishnamurthy and not the many others who might have a vested interest in his crimes. My sledgehammer technique seemed to have frightened those who had to set in motion the tricks of the trade to save Krishnamurthy, so that others could be saved too. Both the investigations against him—on the charge of receiving bribes from Harshad Mehta and the illegal money stashed away in a Swiss bank—were eventually dropped.

Every story has two sides; it would be interesting to hear the same story from the horse's mouth—that of Krishnamurthy's. Fortunately for us, he has already published his memoirs in which he described this event as an act of political vendetta and a sad blot on his otherwise spotless career. He described the money transferred to his son's bank accounts as a 'loan' and 'a normal business transaction' and explained the CBI investigations as, 'I am certain that the investigation against me was engineered either to serve as a red herring to the Securities Scam or to scuttle the report[28] due to fear that my views would have been an indictment of the procedure adopted during disinvestment.'

He also dedicated several pages in his book elaborating how Prime Minister Rao and his aides were never fond of him for various reasons, particularly his criticism and suggestions with regard to how the government was going about privatising in the power generation. 'Whenever I made suggestions, they were well received by Manmohan Singh in the finance ministry but got stalled in the PMO,' Krishnamurthy

wrote, describing a general tendency in the PMO to not take him in confidence on policy matters. ‘The last straw for Narasimha Rao and his aides was my criticism of the manner in which the shares of public sector undertakings were bundled and disinvested and Maruti transferred to Suzuki Motor Company of Japan in a non-transparent manner (*At the Helm: A Memoir*, p. 252).’ The answer to the curious question—why the PMO allowed the investigations against Krishnamurthy to be initiated but never gave the CBI the letter rogatory—can perhaps be found between these lines.

The ‘dreaded’ idea that the CBI can investigate corruption without the government’s permission cut deep in the psyche of PMO bureaucrat Sinha. That panic-stricken resolution to change the law and ensure that the CBI could not move a finger unless the high and mighty granted it permission was indeed initiated soon afterwards. A detailed guideline was issued by the Ministry of Personnel in this regard which provided that no prayer for the issue of a letter rogatory could be made before a court without the prior approval of the government of India. The law as on date remains the same; the CBI’s hands are tied firmly behind when it comes to pursuing criminal investigations outside India.

Krishnamurthy was somewhat of a Colossus. The Securities Scam was huge and so were the crimes revealed by the Jain Hawala Diaries. It pains me immensely that in all these cases, and there are many more in the CBI’s closet, the law could not reach the high and mighty. Powerful bureaucrats and political leaders got away scot-free, dealing a blow to our nation’s economy, integrity, land and peace. There is a vicious nexus among politicians, bureaucrats and criminals and the nation is sucked into a black hole of corruption that is at the core of this nexus.

Emergency and Shah Commission Report: 1977

Can the CBI save the nation from this vicious black hole of corruption? Yes, this is possible. How?

The CBI started out as one of the finest institutions of its kind and has over the years gained immense respect for its work. However, the CBI needs more autonomy, structural strengthening, and checks and balances need to be introduced so that the ruling regimes do not interfere with its work. As citizens, we have to keep demanding autonomy for the CBI to

ensure that the darkest days of the CBI—the nineteen months of Emergency rule imposed by Prime Minister Indira Gandhi—are never repeated.

The Emergency was a blot on our democracy. The Shah Commission Report, in three parts consisting of 26 chapters spread over 530 pages, painstakingly documented every excess committed by the central government during the period between June 1975 and January 1977. Its sheer volume speaks of the depths to which the government of the day had sunk in its insane pursuit of power.

Specifically, the Commission revealed how blatantly the CBI, along with the Intelligence Bureau (IB) and the Research and Analysis Wing (RAW), was misused by Indira Gandhi against Opposition members. The CBI Director Devinder Sen admitted in front of the Shah Commission that the agency had virtually functioned on oral orders of Indira Gandhi's additional private secretary, RK Dhawan. The report mentioned the case of the arrest and interrogation by the CBI of seven textile inspectors and four customs officers which was found to be a case of misuse of power. The Commission held that the material on record could not establish that those officers were corrupt or had done anything that could even distantly be interpreted as improper or incorrect. Rather, they were courageous in the discharge of their duties and by doing so, they had antagonised the proprietors of a firm called Indira International in which the mother-in-law of her son Sanjay Gandhi, Anteshwar Anand, had financial interests. It was for this reason that Sanjay Gandhi created a situation wherein these honest officers were targetted.

Yet another case mentioned in the report was that of false criminal complaints against four senior officials of the Ministry of Heavy Industries initiated by the CBI at the behest of Indira Gandhi. They were R Krishnaswamy, Deputy Secretary, Heavy Industries; AS Rajan, Development Officer, Directorate-General of Technical Development (DGTD); LR Cavale, Chief Marketing Manager, formerly Project and Equipment Corporation (PEC); and PS Bhatnagar, Deputy Marketing Manager, PEC. The officers were trying to obtain certain information from Maruti Udyog Limited, which reportedly irked Indira Gandhi. After a thorough investigation, the Shah Commission found that there was nothing incriminating against any of the four officials except for a vague complaint

by some MPs conveyed to the CBI Director via Dhawan. Expressing grave concern over the way the CBI was misused, the Commission said:

> CBI mounted whole series of actions in their armoury, at the end of which nothing incriminating was found but in the process CBI destroyed these officers socially, physically and morally. Now that we have seen that even the man at the top of the CBI with all his seniority and status can still lend himself and his organisation, to serve purposes other than strictly legal, constitutional and moral, it has to be ensured that in future no such individual or organisation should be capable of being rendered a helpless and unquestioning tool at hands of power that be. The commission feels that certain safeguards need to be provided by making the director CBI accountable to an independent body...or the Director maybe statutorily rendered independent.

The Shah Commission Report was damning for the CBI and as if to control the damage, several measures were taken in the early eighties to give a facelift to the CBI and provide it with superior technology and knowledge. Soon after the Emergency, the government increased the CBI's financial allocation, a new building complex came up in Delhi's Central Government Office complex to bring all the eight branches of the bureau under one roof, there was a substantial increase in the CBI's personnel strength and a new branch christened the Special Investigative Cell was established. Since its inception, the CBI had been increasingly adopting modern, scientific crime detection techniques that were at par with those of the Federal Bureau of Investigation in the US or Scotland Yard in the UK.

Yet, all these developments post-Emergency were only clever distractions from the real problem that still ails the CBI—one which can be addressed by two simple recommendations made in the Shah Commission Report. Forty years since, those safeguards are yet to be implemented simply because no government wants to let go of its hold on the CBI.

Syed Modi Murder: 1988

The Emergency, the Shah Commission Report, damage control, facelift—notwithstanding any of these, relentless unabashed political interference in the CBI's investigations continued. The plain truth is that those who have immense power in their hands will stop at nothing to safeguard their selfish corrupt interests.

Don't like the law, we'll change it. Don't like the judges, we'll transfer them. Don't like the public prosecutors, we'll dismiss them. Dismiss all, if dismissing one is not an option. Will stop at nothing.

For much of my career, I carried out my duties as a CBI officer all the while aware that my hard work could be wasted by political interference and several times that was exactly what happened. One cannot let setbacks affect one personally, but the interference in the Syed Modi murder case particularly disturbed me. It was a straight-forward case, and the investigations were of the highest order; yet the powers-that-be stopped at nothing to cover it up and the three main accused went scot-free.

India has forgotten one of its star badminton players, Syed Modi, an eight-time national badminton champion (1980–87), winner of the men's title at the 1982 Commonwealth Games and three international titles—Austrian International (1983 and 1984) and USSR International (1985). We do not remember him because his life was abruptly cut short by a shrewd politician who did not want future generations to know about him. Because if you know about a national hero, you would ask who killed him? For the record, four people were convicted for his murder. But they were contract killers. Who hired them and why? The nation does not know till date, 40 years after the crime was committed.

On 18 July 1988, at about 7.45 pm Modi came out of the KD Babu Stadium after his routine badminton practice, and as he set off on his scooter, five bullets were fired at him from a .38 bore revolver by two assailants. Two others were waiting with a Maruti van nearby to help them flee the spot. Fortunately, somebody noted the van's number HYG 1959, which was easily located, and details of its owner obtained. The investigations into the van led us to one Akhilesh Singh, the son of a big landlord, a politician and a gangster with several criminal cases against him committed in association with his gang members, four of whom were accused in this case.

Akhilesh Singh was friends with Sanjay Singh, a seasoned politician with an impressive portfolio in the Uttar Pradesh government—he had been a minister in the transport, forest, animal husbandry and sports departments. Singh had risen to the political limelight as a Congress leader and friend of the Nehru-Gandhi family, but had parted ways with the party and had just joined the Jan Morcha at the time of the murder. He was not such a great friend of Akhilesh perhaps, for he was quick to implicate him as the mastermind behind Syed Modi's murder in his statement to the CBI. He also mentioned Ameeta Modi nee Kulkarni, wife of the deceased Modi, and her love affair with Sanjay Singh as the motive behind the crime.

Syed and Ameeta, both badminton players, had met in Beijing during the 3rd International Asian Invitation Championship in 1978. They soon fell in love and were engaged in 1982. Sanjay Singh met Ameeta in 1983, a year before the two got married. The three of them became friends. Syed and Ameeta's marriage, which for all practical purposes was non-existent for nobody had seen it being solemnised which was odd for a national sports couple, was apparently performed under the Special Marriage Act at Sanjay Singh's residence. It was not attended by anybody from Syed or Ameeta's families, or their friends, or the media. There were no witnesses except Sanjay Singh and his Public Relations Officer, one Alam. In all probability, the marriage was a piece of fiction created by the couple.

However, the existence or non-existence of the marriage is not important here. For the outside world, Syed and Ameeta were a couple and Sanjay was a common friend. A love affair had been brewing between Sanjay and Ameeta even before she married Syed; it only kept getting stronger with each day. The love letters from Ameeta, Sanjay and Syed, seized by the CBI after Sanjay Singh's arrest and search operations at his residence tells it all. Passionate love, immense sexual attraction, longing, heartbreak and a plot to remove Syed out of the way. Akhilesh, friend of Sanjay's, was the head of a criminal with a gang. Four members of his gang —Amar Bahadur Singh, Bhagwati Singh alias Pappu, Balai Singh and Jitendra Singh alias Tinku—were hired for the hit job. Amar and Bhagwati fired the shots, while Balai and Jitendra waited in the Maruti van.

Let's add to this the politics of the day. At the time of the murder, there was a Congress government at the Centre with Rajiv Gandhi as Prime Minister. Sanjay Singh had just parted ways with the Congress and joined

the Jan Morcha. Initially, the crime was considered an act of terrorism and since I was heading the terrorist cell of the CBI then, the case was assigned to me by CBI Additional Director Arun Mukherjee with a word of caution to ensure that the investigations should not appear as if it was an act of political vendetta against a person who had just ditched Rajiv Gandhi. Mukherjee was reluctant to allow the arrest and search of Sanjay Singh's residence, but Mohan G Katre who joined the investigation later agreed with my proposed line of action, which was efficiently carried out, ending in the arrest of Sanjay Singh and making political leaders on all sides immensely unhappy. Jan Morcha workers protested outside the CBI office in Lucknow, shouting slogans to oppose the investigations. Congress leader P Chidambaram too was immensely unhappy and to pacify him, Mukherjee offered to remove me from the investigations. It turned out that Chidambaram did not want me to be removed but remained unhappy with me, which I found out years later when as Home Minister he advised the Lieutenant Governor of Delhi Tejendra Khanna to dispense with my services.

The investigations continued, and the case went to court. In December 1989 there was a political change at the Centre when VP Singh, a close relative of Sanjay Singh, came to power as Prime Minister. Soon, the CBI started facing immense pressure to go slow on the case. The first casualty was Mukherjee, who had been Director for only three months; a job was created for him in the Home Ministry. He was replaced by Rajendra Shekhar, an old CBI hand. Immediately thereafter, he and my immediate superior, Additional Director SK Dutta, came under pressure to disband the prosecution team led by SG Samant so that the trial would fail. But Shekhar did not budge; he threatened to quit. Dutta and he met Bhure Lal, Joint Secretary to VP Singh, and firmly said that Special Prosecutor Samant would continue and if this was not agreed upon, they would like to be relieved of their responsibilities. So, the VP Singh government did the unthinkable.

Don't like the law, will change it. Don't like the prosecutor, will dismiss him.

In a sweeping order, all—repeat all—special prosecutors appointed by the previous government were dispensed with, including Samant. Special prosecutors are appointed by government departments with the concurrence

of the Ministry of Law to represent their cases in courts. Appointment of a special prosecutor or a public prosecutor is no joke. It is an important decision which should be taken after serious consideration of several factors. The Law Commission of India has dedicated an entire report (197th Report released in July 2006) on the appointment of public prosecutors. But in blatant disregard for the institutional process, the government burnt the whole house to smoke out a rat. From the date of the order, every department was rendered unrepresented in the courts as they had no prosecutor to appear in the cases.

The decision was likely to put back the trial by several years, not just in the Syed Modi murder case but all cases by other law enforcement agencies and departments. But I did not let that happen.

The media was briefed about irregularities in the dismissal of all special prosecutors, leading to an uproar. Rattled by the criticism, VP Singh first denied he had any role in the dismissal and then quickly reinstated the senior criminal lawyer, who came back on the case but with a broken spirit. The trial judge was transferred. A new judge was appointed as the CBI Judge. He was promised a position in a high court after he pronounced the order on who would face trial. The new judge had to re-hear the entire argument, and Samant had to go through the case all over again. In the end, the court held that Sanjay Singh and Ameeta were not guilty of any charges but found the remaining five—the four hired killers and their boss Akhilesh—to be guilty of charges and liable to face trial.

Each of the accused then followed the legal routes of appeal all the way to the Supreme Court. The CBI also followed the case to the apex court which held that there was not enough evidence against Sanjay Singh and Ameeta to prove that there had been a conspiracy. The evidence placed on record by the CBI merely pointed towards a suspicion of conspiracy but did not conclusively prove the same. Akhilesh and his four associates faced trial, but he was acquitted of the charges by the Allahabad High Court. In 2004, the Supreme Court too concurred with the high court. The court held that when the main accused Sanjay Singh himself was acquitted of conspiracy charges by both the high court and the Supreme Court, Akhilesh could not be held guilty of a conspiracy that was never proved.

Trials ran against the four others, but two of them were murdered when they came out of jail on parole. In 2009, 21 years after the crime was

committed, only one of the seven original accused, Bhagwati Singh, was convicted and sentenced to a life-term imprisonment.[29] Sanjay Singh divorced his first wife Garima, niece of VP Singh, on a divorce by mutual consent petition, allegedly obtained by producing an impostor in court, and married Syed Modi's widow Ameeta. His first wife then sought legal recourse to challenge the divorce obtained fraudulently and got it declared invalid by both the high court and Supreme Court. As things stand now, Sanjay Singh is technically in a polygamous relationship, with his first wife and children fighting bitter battles over inheritance of ancestral property, and he was back in the Congress as a Rajya Sabha member at the time I started writing this book. But even before I could complete writing the book, Sanjay Singh had quit the Congress and joined the BJP along with his wife Ameeta.[30]

From murder accused to Rajya Sabha MP—that was the journey of Sanjay Singh, relative of VP Singh and friend of the Nehru-Gandhi family, now a BJP leader.

Urea Scam: 1995

Behind every great fortune there is a crime.

~ Honoré de Balzac

Almost right through my thirty-three years in the CBI, I had a reputation as a difficult investigator, difficult to be tamed by politicians, to be precise. Over time I learned the tricks of the trade and went after the high and mighty making my own ingenious strategic moves and in the process irking the powers that be. In my last year, I was almost a pariah with the top brass of the CBI and the government. Baseless investigations were floated against me and a witch-hunt conducted over renting out my Jaipur house to the CBI at a rate that was lower than the rate officially assessed by the Central Public Works Department (CPWD). I was denied a promotion; denied a government sponsorship which would have enabled me to join Interpol on an assignment—all during the tenure of CBI Director Vijay Rama Rao.

The same Rama Rao who initially did not pay heed to Fertiliser Secretary Indrajit Chowdhury's letter requesting that an investigation be

conducted into certain imports of urea fertiliser by the public sector unit National Fertilizers Limited (NFL).

I continued to create trouble for Rama Rao even after retirement during the short span of three months that I worked with the NFL. Short, because the powers that be did not let me continue. Chowdhury was a friend from my university days. Besides writing to the CBI, he had also requested me to join the NFL as a consultant and look into the case. The ₹133 crore Urea Scam involving Prime Minister PV Narasimha Rao's son and nephew, among others, came to light partly due to my independent investigations and prodding questions. This is what made them unhappy, and ensured that my consultancy arrangement at the NFL was rather short.

Let me elaborate.

India is the world's second largest consumer of urea. In 2016-2017, the country consumed around 32 million tonnes of urea, of which 24.5 million tonnes was produced indigenously and the rest imported. The government has been increasing domestic production by reviving ailing plants, restarting closed units and beginning new projects with the intention of completely stopping imports by 2022.[31] Producing urea at home will protect our farmers from international price fluctuations, limit government subsidies and help the rural economy grow. In addition, I personally feel that after the disastrous Urea Scam of 1995, India should never ever try to import any more urea. Think of it, the NFL went shopping for 2,00,000 tonnes of urea from abroad, and the only 'foreign item' India managed to bring home were two Turkish nationals to our jail, that too, 23 years after the shopping misadventure.

In September 1995, a global tender was floated for the supply of 20 lakh tonnes of urea. Soon, a deal was struck between the NFL represented by CK Ramakrishnan, CMD and Dilbag Singh Kanwar, Executive Director (Marketing), and a Turkey-based company Karsan Danismanlik Turizm Sanayi Tiacret Ltd to supply urea. The contract was signed hurriedly without any background check on Karsan and without a proper legal scrutiny of the terms of the contract. Karsan had no prior history of supplying urea to India. In fact, later during investigations by the ED into the antecedents of the company, it was noted by the Indian Embassy in Ankara that 'Karsan was located in half-a-room of a third-rate hotel in Ankara. Antecedents unknown.' The company was registered in 1988, and

in its eight years of business it had changed the official address three times. By the time the ED started investigations, it turned out the company had no representative as both Tuncay Alankus and Cihan Karanci had moved away and started new companies.

After signing the contract, a sum of $38 million (₹133 crore) was paid by the NFL in two instalments to bank accounts in Pamuk Bank in Ankara and IndoSuez Bank in Switzerland. Banks were apparently reluctant to accept the money, but the NFL showed remarkable enthusiasm in going through the hoops to ensure that the entire money was transferred abroad by March 1996, without a spoon of urea having been supplied to India. The details are so simple that it seems improbable that someone could be conned in this way. Like an April Fool prank that amuses us instead of making us angry. Imagine you urgently need some cooking oil, but you cannot go out; so, your friend offers to bring it from the market. You give the cash to the friend who goes out with it but never returns. You don't know where she went, where the money went, and of course you have no cooking oil. It would sound funny, only if it wasn't true, and that too involving an amount of ₹133 crore of taxpayers' money. From the time of the deal till February 1996, Karsan's representative kept writing various letters creating an illusion that 2,00,000 tonnes of urea were being manufactured somewhere to be loaded on to ships and sent to India. But then something would happen somewhere, from snowfall to the Chechen struggle. So, Karsan would say it needed a bit more time for supply. This became a pattern and it was clear that there was no urea to be supplied.

Indrajit Chowdhury took over as Fertiliser Secretary on 1 February 1996. By March, he realised that a crime had taken place at the NFL. In the last week of April, he wrote a letter to CBI Director Rama Rao requesting that the CBI look into the transaction, and also hired me as a consultant. He wanted me to specifically look at the deal and save and retrieve, if I could, the situation that the NFL was in. I retired from the CBI on 30 April 1996, and within a week I joined the NFL.

Several questions emerged. How could the NFL strike a deal with a dubious company without taking precautions? How was it possible to route large amounts of money without the permission of the Reserve Bank of India? What due diligence did the RBI and the State Bank of India do before transferring the money to these accounts? What were the antecedents

of M Sambasiva Rao, the Indian agent of Karsan? Who planned the scam? What was the kickback? Where was the money trail and to whom was it leading up to?

I recommended to Chowdhury that NFL should position itself as the victim of a fraud, name the insiders who had connived with Karsan along with private persons who were party to the crime, and request the CBI to treat its complaint as an FIR. This was done on 19 May 1996. By 23 May, I got wind from my sources that Rama Rao, an appointee of Narasimha Rao was in no mood to pursue the matter because as the knots would get untied, Narasimha Rao's son, nephew and associates would get implicated.

Not to be deterred, I decided to take an opportunity that presented itself during the 13-day Vajpayee government in May 1996. I took out my friend, the journalist TVR Shenoy who was a member of the BJP's think-tank, India First Foundation, and who was close to BJP leaders, for breakfast and briefed him about the scam, and showed him the documents I had. He went to meet LK Advani straightaway after breakfast and conveyed to him what I had said. He then scheduled a meeting between me and Murli Manohar Joshi, Home Minister, at which I reiterated my views about the grave crime that had taken place. The very next day Chowdhury received instructions from the PMO to send the urea case file for the Prime Minister's perusal, and within a day or two the PMO asked the CBI to register a case. The earlier FIR by the NFL and associated reports including my findings were not considered, and a fresh case was registered to confuse the course of the investigation that I had tried to set.

The Vajpayee government fell, and a Congress-backed government came to power with HD Deve Gowda as Prime Minister. My friends in the ministry soon tipped me off that big bosses were 'talking,' about how in the first place had I been appointed as a consultant by the NFL? How can we remove him? I left the NFL on my own within three months, though my contract was for six months.

Twenty-three years later in July 2018, a special CBI court imposed one of the highest penalties in corruption cases—a whopping ₹100 crore—on two Turkish nationals Tuncay Alankus and Cihan Karanci, both former executives of Karsan, and sentenced them to six years of rigorous imprisonment. The court also convicted M Sambasiva Rao, the Turkish company's Indian agent, Ramakrishnan, Kanwar, Prakash Chandra Yadav

(son of former Union Minister for Fertilisers Ramlakhan Singh Yadav), and last but not the least, Sanjeeva Rao, a relative of Narasimha Rao.

The conviction of a rich former PM's relative and former minister's son was a remarkable development. If the investigations and the trials could have gone the way I had attempted, to steer them, the 'last but not the least' name could have been that of Prabhakar Rao, the youngest son of former Prime Minister Narasimha Rao. Why did I suspect him?

Of the several questions that came to my mind, the most important one was my one-up on the Balzac dictum. Somebody in the NFL did the crime; that was obvious. But why was the NFL buying urea in the first place? Till 1994, India purchased urea through the sole canalising agency Metals and Minerals Trading Corporation of India (MMTC), a government of India enterprise. They were experts in this field and who knew the ins and outs of the trade. The NFL on the other hand had been manufacturing urea and had zero experience in importing it. So, who decided this time that the NFL itself would initiate the process? This I thought was the core of the scam.

Suddenly the players inside the NFL became the supporting cast and several Raos began to emerge as the main actors: M Sambasiva Rao, a mere BSc Agriculture from Baptala Agriculture College who started his life as a sales representative was the Indian agent of Karsan. He was close to the PMO through his college friend Sanjeeva Rao, who was married to Narasimha Rao's niece. Sambasiva confessed that part of the money transferred by the SBI to Karsan was routed back to two Hyderabad businessmen, Dharmesh Yadav and Rajinder Babbani. Both were associated with a Dubai-based firm, Edible Foodstuff. An equivalent of ₹30 lakh was transferred from Dubai to M Sambasiva Rao's Bank of Baroda account. Another $200,000 was sent to Rgea Brothers in New York, a firm owned by Prakash Yadav. And the major part of the $4 million kickback went to Sanjeeva Rao and Prabhakar Rao.

Sanjeeva Rao also claimed that the entire operation was planned by Prabhakar Rao.

My one-up on the Balzac dictum is that 'behind every scam there's a policy decision.' The policy decision of breaking the stranglehold of the MMTC as the sole canalising agent for imports of urea provided the ground for the scam. And this policy decision could not have been possible without

the PMO’s blessings. The rest of the pieces of the puzzle were the Raos, and everything else falls into place.

5
CBI has a Heart and Soul

June 2018 saw the release of one of a much awaited films. *Sanju*, a biopic based on the life of actor Sanjay Dutt, son of Nargis and Sunil Dutt, both legendary actors of yesteryears. Directed by Rajkumar Hirani and co-produced by Vidhu Vinod Chopra and Hirani, the same team that gave several hits like *PK* and *Three Idiots*, the film opened to rave reviews and entered the 100-crore film club within three days of its release. However, it also sparked off a political debate and polarised opinion over the question as to whether Hirani had tried to whitewash Dutt's past. The film posters I saw and the ensuing debate reminds me of the role I had played in Dutt's life, without which his life would probably not have been the same, for better or worse.

The Sanjay Dutt Case: 1993

In the aftermath of the serial Bombay (Mumbai) Blasts in March 1993, Sanjay Dutt was arrested on charges of abetting terrorism and the investigation landed on my table. I was then, Joint Director CBI, heading both its central anti-corruption units as well as three state level anti-corruption branches in West Bengal, Bihar and Orissa. A favourable view taken by me ensured Sanjay was released on bail. Otherwise, given how draconian TADA or the Terrorist and Disruptive Activities (Prevention) Act was, he probably would have remained incarcerated though the trial which took nearly 20 years to be concluded.

Why did it matter to me whether Sanjay Dutt got bail or not, or whether he was convicted both under the TADA and the Arms Act, 1959? After all, he did commit a crime. To answer that we would have to travel back to his life.

Sanjay Dutt was known in the film industry as ‘Sanju Baba,’ a spoilt brat oozing machismo, and yet a vulnerable child who had lost his mother to cancer just three days before the premiere of his first film, leaving him devastated. Nargis Dutt wanted to be part of Sanjay’s premiere even if she had to be carried on a stretcher. But she could not be there, and the terrible loss led him to take to drugs and embark on a reckless troubled path. Though born into privilege, Sanjay’s life had not been easy. While his father Sunil Dutt, a Congress party loyalist, brought political undertones into the star child’s life, his mother Nargis gave him a Muslim identity, a burden that became hard for him to carry in the highly polarised atmosphere of the post-Babri Masjid demolition in December 1992.

By the nineties, he was rumoured to have friends in the Mumbai underworld. Actor Feroz Khan had reportedly introduced him to underworld don Dawood Ibrahim during the making of the film *Yalgaar* in Dubai which released in India in October 1992.[32] After the Babri Masjid in Ayodhya was violently destroyed by lakhs of *karsevaks* led by far-right Hindu leaders, a series of communal riots took place in Mumbai in January 1993.

Sunil Dutt, then an MP, immediately went to the worst-hit slums where Muslims were affected, and Sanjay Dutt went along with him. The father and son provided food as relief to victims of the communal violence and were soon labelled as pro-Muslim by radical Hindu groups.[33] Bollywood actors are known to be apolitical; they are usually considered too pre-occupied or shallow to have political views, and all of them make statements that are very measured and keep mum on controversial issues. But Sanjay Dutt was neither a cunning politician nor a pretentious Bollywood star; he was just an impulsive man who wanted to be with his father and help humanity. Soon the Dutt family, including Sanjay’s sisters started getting threatening calls from radical Hindu groups for helping Muslims. There were calls informing Sanjay that ‘they’ knew where his niece was studying, and had minute details of their daily routines. Sanjay was scared. He procured an AK–56 gun to protect his family.

This one act changed his destiny.

The atmosphere in India’s financial capital was tense. Even those who wanted to help innocent Muslims at the receiving end of communal

violence felt threatened. Sanjay Dutt believed that a mob could come up to his residence and attack his family.

A decade later, during the 2002 anti-Muslim riots in Gujarat, after former Congress MP Ehsan Jafri provided shelter to several Muslims including women and children, a mob barged into his home to kill him and several others. The horrific incident is known as the Gulbarg Society Massacre, in which 70 people belonging to the minority community were killed and 35 houses burnt including that of Jafri. In 1993, Sanjay's fears were not unfounded because this was not the first time that India was engulfed in such an atmosphere of hate.

In March 1993, when Mumbai was ripped apart with twelve serial bomb blasts in which 257 lives were snuffed out, 700 injured, and property worth ₹32 crore destroyed within hours, Sanjay Dutt was given the tag of a terrorist and described as anti-national because he had an AK–56 in his possession. In April 1993, he was arrested on charges under the Arms Act for possessing the rifle and other arms and ammunition that had been smuggled into India and also under the draconian TADA for carrying out or conspiring to carry out terror activities. After the Mumbai police lodged Sanjay Dutt in the city's Arthur Road Jail along with more than a hundred others with criminal records—all of them accused in the Bombay Blasts case, the entire film industry and numerous fans of the actors across the country were shocked.

Was Sanjay Dutt a diabolical and hardened terrorist as defined in TADA? No.

Did he commit a grave crime? Certainly.

The terrorism charges under TADA did not hold good against him, but the charges under the Arms Act were valid and I took the view that he should be prosecuted only for illegal possession of arms. This favourable finding by the CBI helped Sanjay Dutt obtain bail from the Supreme Court in October 1995. In 2006, he was acquitted of the terrorism charges under TADA and only convicted under the Arms Act, vindicating my stand.

To answer the question, why did it matter to me whether Sanjay Dutt got bail or not—small acts of justice have a butterfly effect which can move mountains. Every little act establishing the rule of law matters in the larger scheme of things and in making the nation great.

A CBI officer or any other investigator is not a robot; he cannot perform his duties bereft of human emotions. At the same time he should not let emotions get the better of him. In Sanjay Dutt's case, and many others, which are worthy of mention today, I sought to strike a fine balance between justice, the rule of law and sensitivity towards human beings. This balance is all the more important when there is hyper-nationalism and vengeance running through the nation's heart seeking to denigrate people from a certain community. Such emotions permeate the police forces and among politicians. Everybody wants quick justice and extreme punishment. A CBI officer has to keep calm, stay objective and sensitive under such trying times.

The Bombay Blasts and the subsequent riots were Dawood's revenge for the Babri Masjid demolition. His main associates in the crime were his brother Anees, colleagues Tiger Memon and Yakub Memon, apart from several others with whom he had business relations. Backing them was the Inter-Services Intelligence (ISI) of Pakistan with tacit blessings from that country's Army and its government. The case was investigated and a chargesheet filed by the Mumbai police, but it was handed over to the CBI for prosecution. Though the original decision was to take over the investigation immediately, it was later decided that the Mumbai police would file a chargesheet by November 1993 and the CBI would be in charge of the cases thereafter. On 4 November 1993, a primary chargesheet running into more than 10,000 pages was filed against 189 accused, including Dutt, in which he was charged both under TADA and the Arms Act. Under my leadership, the CBI conducted fresh investigations, made more arrests and carried on with the prosecution.

TADA, 1985, was an extremely tough law originally framed to deal with the Sikh secessionist movement of Khalistan in Punjab in 1984. I was personally involved in my official capacity as DIG (Punjab Cell) in 1985 to provide inputs towards the drafting of the law to the Minister for Internal Security P Chidambaram, Home Secretary GC Sommiah, and Director of the IB, MK Narayanan. We would spend hours in the minister's room in North Block working on the definition of 'terrorist,' what constitutes terrorism, how terrorism would be investigated and so on. The law was designed to meet the special situation created by the Punjab insurgency but was soon applied to the whole of India with the main objective of nabbing unrelenting secessionists who were hardened to loot and kill. It was India's

first counter-terrorism law; it came into effect on 23 May 1985, and was renewed in 1989, 1991 and 1993, after being allowed to lapse in 1995 since it had become unpopular after widespread allegations were made highlighting how the law was abused. The third paragraph of the Act provided a very thorough definition of 'terrorism:'

> Whoever with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act, commits a terrorist act.

While it has never been easy to define who is a terrorist, or prove that a person is one, the law is clear that a terrorist is someone who is inhuman and diabolical. Sanjay Dutt could have been many things, but he did not fit the bill as a terrorist. A budding actor and a son of cine stars, Sanjay had a yen for weapons. He owned licensed firearms and used them during hunting expeditions. After the December 1992–January 1993 riots, Dawood, at the behest of the ISI, wanted to arm his Muslim brothers with assault rifles and hand grenades. The weapons and explosives were smuggled into India by Dawood's D-Company and distributed in the underworld.

Sanjay was one of the recipients of the arms via his friends. He acquired an AK–56 when, as he was to claim in his defence, his family received threats from Hindu fundamentalists. He got ammunition with help of friends Samir Hingora and Hanif Kadawala, both film producers and partners in a company called Magnum Videos, which held the video rights

to several of his films. Kadawala and Hingora were known to Dawood's brother, Anees, who used them to deliver weapons to the actor. Some years after his arrest, Kadawala was shot dead by another gangster Chhota Rajan's men.

Hingora had started out as the owner of a small video library. His clients included Anees and Mustafa Dossa, both of whom were implicated in the Bombay Blasts. He had accompanied Abu Salem (convicted to undergo a life sentence by a TADA Court on 7 September 2017), a member of the D-Company, to Sanjay Dutt's residence with the weapons. Weeks after the blasts, Hingora was picked up for questioning. Abu Salem absconded but was finally extradited from Portugal. Sanjay confessed receiving the AK–56 gun as well as some additional arms: three rifles, nine magazines, 450 cartridges, a 9 mm pistol and over 20 hand grenades. They were delivered by Abu Salem, Baba Mussa Chauhan and Hingora to his residence on 16 January 1993. There was some evidence that Sanjay Dutt was speaking to Anees when they arrived. He returned all the weapons except for one AK–56.

There was no doubt that Anees had in fact provided the arms which were clearly part of the cache of weaponry that was smuggled through Mahasla in the Alibagh district of Maharashtra on 9 January. Sanjay was in Mauritius when his involvement in procuring arms was finalised. When he was returning from Mauritius, his father phoned up the Police Commissioner and informed them about Sanjay's arrival on 19 April. The police picked him up from the airport. His confession was considered 'good' evidence under the TADA and he also disclosed that Yusuf Nullwalla helped him to get rid of the weapon. This led to more arrests.

So, did this constitute an act of terror under the TADA? I was of the opinion that it did not, and my views made a lot of people unhappy. There were political pressures to make Sanjay Dutt go through extreme hardship.

During the trial, Sunil Dutt came to meet me a few times. He was a broken man from the day Sanjay had been arrested. We met at the Special Task Force camp office in Mumbai situated between the two ministerial bungalows opposite the Sachivalaya. We met three more times—twice in Delhi and the third time by sheer accident at the VIP Lounge of the Chhatrapati Shivaji Airport where just the two of us spent an hour waiting for our respective flights. We spoke privately and without aides. Sunil Dutt

opened his heart out to me. He was under great stress. His only son was believed to be a terrorist and his finances were dipping. He had earlier banked on Sharad Pawar to help him knowing that without his intervention, the Bombay Police, Joint Commissioner MN Singh, and the Commissioner Amarjeet Samra would continue to treat Sanjay as a terrorist. Even the judge was inflexible. But Pawar was not ready to help. Dutt senior realised that his son was paying the price for his earlier decision in 1989, after Rajiv Gandhi's tragic assassination, to throw in his lot with PV Narasimha Rao and not Pawar, then Chief Minister of Maharashtra, who was in the Prime Ministerial race. After years of running from pillar to post, engaging top criminal lawyers at great expense, Dutt learnt that given Pawar's animus, no one in Mumbai would lift a finger to help his son.

Except me—this CBI officer for whom it is important that not only should the wheels of justice run, but also that there are wheels within the wheels of justice which should run at all times. Instead of getting carried away with the zeal to punish a man with the harshest possible penalty, I opined that Sanjay was guilty only of offences under the Arms Act and was entitled to bail. My interpretation of the evidence against him stood vindicated in the findings of both the TADA court and the Supreme Court.

The TADA court accepted Sanjay Dutt's contention that he possessed the AK–56 gun due to a fear of attacks on his family. The court also held that the prosecution had failed to prove that Dutt had conspired with, or even had knowledge, of the Bombay Blasts. They also failed to establish a clear connection that the AK–56 gun in his possession was part of the same consignment of arms that was used in the Bombay Blasts. He was convicted under the Arms Act. The findings of the designated TADA court were upheld by the Supreme Court in March 2013.

Dropping of Waging War Charges: 1993

Lest readers think that I had a soft corner for Sanjay Dutt because he was a movie star or because his father was a politician, I wish to assert that I did my bit in ensuring that the wheels within the wheels of justice kept moving without looking at the class, caste, creed, religion or any such marker of the persons involved. For me, justice no more and no less was my guiding principle.

The thirteen RDX blasts organised in Bombay on 13 March 1993 were the handiwork of Dawood, Tiger Memon, Yakub Memon, Anees, Abu Salem and Mohammed Dossa, who were hand in glove with all of the other umbrella organisations of Pakistan's ISI. Mustafa Dossa, Karimullah Khan, Firoz Abdul Rashid Khan, Riyaz Siddiqui, Tahir Merchant and Abdul Quayyum were some of the other co-conspirators. A total of 189 people were charged by the Bombay Police.

Among these, was Sanjay Dutt. He was tried only for illegal possession of arms and not under the draconian TADA law. The CBI team headed by me also ensured that 26 of the accused persons were set free and absolved of all charges at the outset. They were found to be innocent. Charges of waging of war against the nation were dropped against all the other accused. The 26 men who were set free at the beginning were all Muslims. The popular view prevailing at that juncture was that since only Muslims would have been responsible for the blasts, the law enforcing authorities should only act against them. But I was clear that a person could not be held responsible for a crime because he subscribed to a certain religious faith.

Organising a crime of this proportion was a managerial feat for Dawood. But he could not have done this without the help of hundreds of others who worked for him transporting the RDX and other weapons, loading them, offloading them and so on. These men had no clue about what they were doing. They had no knowledge of the conspiracy and therefore, *mens rea* or the intention to commit a crime did not apply to them. The Mumbai police agreed with me on this, and they were given an honourable discharge in 1995 itself.

The next reprieve for the accused was the dropping of the waging of war, charges. Dawood was using terror to seek vengeance for the demolition of the Babri Masjid. There was no intention on the part of the accused to create a situation wherein a section of the population would want to secede from the State of India, which is the basis of the 'waging war against the nation' charge. The objective of the blasts was to shock the nation using terror. He followed the same strategy to recruit Muslim youths into terrorism, who would be sent to Pakistan via Dubai, trained there and sent back to India with weapons ready to avenge the wrong done by the Hindu majoritarian forces in December 1992 at Ayodha. However, the finer details of the case, laid out in the 10,000-page TADA judgment would

reveal that for Dawood and other gangsters, terrorism was only the latest service industry in the dark underworld together with smuggling of contraband, prostitution, human trafficking and drugs. And in this industry of terror, Hindu officers in the customs department and police officers too worked in tandem along with Muslim gangsters to acquire wealth. Separation from the State of India was never an objective.

The CBI was at a point when the chargesheet had been filed and the court was to decide which of the charges would stand against whom and what would be the direction of trial. I was of the view that ‘waging of war’ charges should be dropped—first, because there was no proof that the blasts were carried out with the stated objective of supporting any separatist movement; second, because if the CBI did not drop the charge and the court ruled against it, the agency would have lost face. The CBI would then be accused of persecuting Muslims, not terrorists.

Understandably, it was not an easy decision because it was not good for the optics. I asked my Public Prosecutor what his views were, and he concurred with me. We both knew that the political masters at the state and the Centre would not be happy that the CBI would be perceived to be lenient towards Muslim terrorists, allegedly the enemy of the state. The political leaders wanted us to book the criminals under the strictest of laws and mete out the most severe punishment against them and win brownie points. But to my mind, even though the crime was grave, religion should not be a factor to stop turning the wheels within the wheels of justice.

I advised the Public Prosecutor to follow his legal dharma. On the day of hearing in the CBI court, the first argument we made was that charges of waging of war would be dropped. The defence team was taken aback as they had come prepared to argue against that specific charge. They were not prepared for other charges as yet, and by dropping this charge we caught them off guard.

Dropping of the waging of war charge was the right thing to do legally and as a human being, although I was hauled up by the powers that be. The Home Secretary asked me how the charge could be dropped without his permission. ‘Well, it is within the Public Prosecutor’s right to take a legal decision. But if you are unhappy or feel he did something wrong, sack him,’ I reminded him. Removing the Public Prosecutor would have been controversial; so, that was averted. I then suggested to the Home Secretary

that a consultation could be sought with the Attorney-General of India. The AG's concurred with my position, and the debate rested there.

The Bombay Blasts were one of the deadliest terrorist attacks in the history of our nation, and the law and procedure that followed have also has gone through a most turbulent journey. The chief conspirator Dawood Ibrahim still evades justice. The main trial ended in 2007, in which members of the Memon family were held guilty, along with 100 others. Yakub was hanged in 2015 but Tiger Memon is still at large and believed to be hiding in Pakistan. Abu Salem was at large but later extradited, and his trial ended in conviction in 2017.

Yakub Memon's Hanging: 2015

The CBI does have a heart. I am compelled to say this over and over to those members of civil society who sprang into action to save Yakub Memon hours before his execution. They cursed the CBI for being corrupt, which may not be completely untrue in certain cases, or even many of the cases, yet their plea for clemency to the Supreme Court to save Yakub was misguided and polarised contemporary Indian politics.

First, the Bombay Blasts cases were investigated with thorough professionalism by the CBI. Yakub's execution maybe an enduring mystery for sections of civil society but not for the CBI. He was certainly guilty of a crime—involvement in the conspiracy leading to the blasts in Mumbai which took the lives of 257 persons. It is, however, clear that Yakub Memon was singled out for severe punishment because his brother Tiger, the main conspirator along with Dawood eluded the law. Yakub was prepared to return from Pakistan and cooperate with the Indian authorities. He did provide valuable information and evidence as to how the ISI assisted the conspirators—a fact attested to by a former senior intelligence officer. Yet, he cannot be absolved of the ghastly crime. The Supreme Court dismissed his revision petition disregarding these mitigating factors. The three-member bench of the court also rejected his curative petition, overruling the procedural errors raised by Justice Kurian Joseph on a ruling by an earlier two-member bench. Still, certain activists believed that the President of India could have exercised the powers accorded to him under Article 72 of the Constitution. Unfortunately for them, this was not how it turned out.

The Supreme Court's decisions on appeals on the death penalty have been inconsistent. The views of individual judges on a bench have prevailed. In 2014, the Supreme Court commuted the death sentences of others convicted in this case, but not that of Yakub. Three persons convicted in the Rajiv Gandhi assassination case, which was also a major terrorist attack, got their sentences commuted to life imprisonment. Soon afterwards, Devinder Pal Singh Bhullar who was sentenced to death for conducting a bomb blast also got his sentence commuted to life imprisonment. In both instances, there were strong pressures to commute the death sentences from political leaders in Tamil Nadu and Punjab respectively.

The fact that the yardstick has been applied differently in these cases, including that of Yakub, underlines the need for a review of the death penalty itself. The 'rarest of rare' doctrine is interpreted subjectively by individual judges. Most of those sentenced to death are poor and belong to the socially oppressed sections, according to a study by the National Law University, Delhi.

Having said that, let there be no doubt that Yakub was found guilty and those who sought a reprieve for him must rue their delay in showing their frenetic intent so late in rescuing a man condemned to the gallows. It was the President of India to whom they should have directed their prayers and that too in 2013. While those on the far-right got ammunition to attack their political rivals, those belonging to the left-liberal secular parties conveniently forget that other terrorists have escaped the clutches of law due to either a corrupt or an inefficient justice system.

The Anees Ibrahim Files: 1993

In the Bombay Blast cases, the CBI did its job with stellar professionalism, but the bureaucracy and politicians failed us.

Highly sophisticated arms were smuggled into the country in January and February 1993. This was in active collusion with customs and police officers, all covertly organised by Anees, Dawood's younger brother and the second in command in the D-Company.

The CBI came close to catching Anees but failed due to the lackadaisical attitude of the Ministry of External Affairs (MEA). The two

are still at large and the failure to extradite them requires an explanation. There are incriminating papers and files in the MEA related to the Anees episode which should be declassified.

My tryst in Bahrain to extradite Anees is a tale no one wants to hear. In February–March 1996 an Interpol Red Alert was issued and Anees was arrested in Bahrain. Interestingly, he was accused of heavy drinking. It is believed that Anees used to travel from Sharjah to Bahrain to enjoy a drink or two, as the former was a ‘dry’ city. I, with two other CBI officers, responded to the summons of the Bahrain Police.

But the Emir of Bahrain overruled his police and summarily denied custody to the CBI. Anees was casually handed over to the Sharjah authorities of the United Arab Emirates (UAE). He returned to Sharjah ostensibly to face minor criminal charges. We remonstrated with the Bahrain Police. The Chief of the Criminal Investigation Department in Bahrain, a Britisher, was demonstrably upset with his government but pleaded helplessness faced with the order of the all-powerful Emir.We returned empty handed and deeply disappointed. Every bit of what happened was reported by us to our Ambassador to Bahrain via the MEA. Why the MEA could not manage the extradition remains a mystery deeper than the Bermuda Triangle.

Or, perhaps, it is not much of a mystery. Don’t ask, don’t tell, is the answer to all the questions.

Timeline: Bombay Blasts Case: 1993

12 March 1993: Bombay serial blasts reported. Within an hour, a total of 13 bombs explode throughout Bombay. The 13 locations are Bombay Stock Exchange building, Masjid-Mandvi Corporation Bank Branch, Zaveri Bazaar, Fisherman’s Colony in Mahim Causeway, Plaza Cinema, Katha Bazaar, Century Bazaar, Hotel Sea Rock, Air India building, Terminal at Sahar Airport (current CSIA), Hotel Juhu Centaur, Worli and Passport Office. Most of the bombs were planted in cars and scooters.

19 April 1993: Crime Branch arrests Bollywood actor Sanjay Dutt at Mumbai airport on charges of possession of an AK–56 rifle, a 9 mm pistol and ammunition.

28 April 1993: Dutt confesses about possession of arms and later destroying the same.

5 May 1993: Bombay High Court grants Dutt interim bail.

4 November 1993: Over 10,000 page-long primary chargesheet filed against 189 accused, including Dutt who is named accused number 117.

19 November 1993: CBI takes over the case.

10 April 1994: TADA court discharges 26 accused, while charges against the remaining 163 framed.

19 April 1994: Trial begins.

4 July 1994: The Supreme Court cancels his bail and he was re-arrested.

20 November 1994: Dutt takes back his confession.

29 March 1996: PD Kode appointed as special TADA judge for the case.

March 2001-August 2002: Detailed hearing into the case.

13 June 2003: Gangster Abu Salem's trial separated.

12 September 2006: Court pronounces four members of Memon family guilty and acquits three. It gives death penalty to 12 other convicts and 20 are given life imprisonment.

31 July 2007: Dutt gets six years RI by TADA court.

20 August 2007: Sanjay Dutt appeals to the Supreme Court against the 31 July sentence of TADA court.

1 November 2011: Supreme Court begins hearing appeals filed by Dutt and 100 other convicts as well as the State.

21 March 2013: SC upholds death sentence of Yakub Memon, transfers death sentence of 10 convicts to life imprisonment, and also upholds life imprisonment of 16 out of 18 convicts. Court declares

five-year jail term for Dutt and asks him to surrender within four weeks.

21 July 2015: SC rejects Yakub Memon's petition.

29 July 2015: President Pranab Mukherjee and Maharashtra governor reject Yakub's second mercy plea.

30 July 2015: Yakub Memon hanged at Nagpur central jail. SC rejects a last-minute plea seeking a 14-day stay on his execution.

25 February 2016: Actor Sanjay Dutt walks free from Pune's Yerwada jail.

29 May 2017: TADA court announces 16 June as the date for pronouncement of judgment on trial against Abu Salem and other six accused.

16 June 2017: A TADA court finds Abu Salem, Mustafa Dossa and Mohammed Dossa guilty of murder and conspiracy in connection with 1993 Bombay Blasts case. Court also convicts Firoz Abdul Rashid Khan, and Karimullah Sheikh under charges of conspiracy and murder under sections of IPC, TADA and Explosives Act. Court convicts Tahir Merchant in the case.

***Source*:** LiveMint, 16 June 2017[34]

Operation Blue Star: 1984

Amritsar in June 1984 was a city besieged over which hung a shadow of violence. Thousands of innocent devotees who were visiting the Golden Temple on the anniversary of Guru Arjun Dev's Martyrdom were caught in one of the country's most deadly insurgencies—a fierce battle took place between the 350 Infantry Brigade of the Indian Army and Sikh militants wanting a separate nation of Khalistan. Prime Minister Indira Gandhi had ordered Operation Blue Star—an operation in which the Army under the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983, was called out to counter the activities of several banned organisations including

the All-India Sikh Students Federation and the Dal Khalsa. Their leader Jarnail Singh Bhindranwale and dismissed Major-General Shabeg Singh and others had collected arms, ammunitions and explosives. Men had gathered within the Golden Temple complex to wage a war against India.

The five-day operation between 5 June and 10 June 1984 was carried out under the overall command of Major-General Kuldip Singh Brar and the 350 Infantry Brigade under Brigadier DV Rao. The operation resulted in the death of several insurgents, Army men and ordinary visitors. Huge quantities of arms and ammunition were recovered. At the end of the operation, the Army had freed the Golden Temple of militants, but the building was ravaged. As many as 1,592 persons were arrested by the Army, all of whom, Brig Rao was convinced, were terrorists.

I was flown from Delhi to Amritsar on a special aircraft immediately after the operation to take charge of the investigations and prosecute the 1,592 presumed ‘terrorists’ detained by the Brigadier. Never before and never again had the CBI on its plate such a large number of accused in a single case. In my opinion not everyone was a terrorist and so I prosecuted only 379 of them while 1,213 were sent home. I refused to accede to the Army’s demand that all of them were to be prosecuted as terrorists without showing anyone any mercy.

While I am proud of my will and determination to follow the laws of the land and allow the wheels of justice to move without pandering to populist sentiments, I fully understood the sentiments of the Army. The massive preparation by the terrorists in and outside the Golden Temple complex was nothing short of a no-holds-barred war:

- The main entrance in the north had been fully fortified from the east to west.;
- All openings in arches and main entrance were sealed with bricks leaving a few holes for a viewing;
- Bunkers had been constructed at a number of places;
- Streets leading to the temple were effectively covered and movement across them could have invited fire from these positions;
- Hotel Temple View, Braham Boota Akhara, Sindhi Hotel and other buildings in front of the main entrance to the temple complex had been fortified and fired from particular positions;

- The Parikrama dominating the Akal Takht area on the western side and all buildings to the west had been fortified;
- Openings in arches along the south temple wall had been sealed with bricks and bunkers were constructed on top of the roof;
- All high-rise buildings south of this portion of Parikrama had been occupied to control access to all lanes leading to the temple;
- Baba Atal Gurdwara on the western side had been fortified;
- Buildings of the Guru Nanak Niwas office, Shiromani Gurdwara Parbandhak Committee (SGPC), Guru Ram Das Langar and the towers on the east of the Guru Ram Das Sarai fortified and occupied;
- Construction work was still continuing on building bunkers when the operation took place.

Brig Rao had with him paramilitary forces from the Border Security Force (BSF), the Central Reserve Police Force (CRPF). Some of the forces were kept in reserve as initially it had been presumed that Operation Blue Star would not last more than a day and a half. The Brigadier could not predict how elaborate and gruesome the operation would be. It continued for five days, with an entire Army reserve needed to combat the Khalistanis. Still, a few terrorist snipers remained active even when Giani Zail Singh visited the temple after the operation was officially declared over. The Army lost 83 officers and jawans in the operation. In addition, 252 others were injured in those five days; some had to have their limbs removed.

The operation was fiercely fought on both sides. My investigators told me the tale in graphic detail that established how well the Khalistanis had prepared themselves. I reproduce what was recorded verbatim:

> 26 Madras had been assigned the task of entering the temple from the eastern gate clearing the area towards the southern Parikarama and the rooms up to the atta mandi gate. It was also to seize illicit arms and ammunition and apprehend the terrorist in its area of operation. Lt Col RMG Panniar commanded 26 Madras which moved into Jallianwala Bagh on June 5 at 21.30 hour. Within half an hour it commenced advancing towards the southern parikrama drew heavy and effective fire from the Sindhi hotel langar sahib and all other buildings almost

all of which were fortified. The company moved ahead suffering heavy casualty and finally entered the temple at 1.30 hours on June 6. As it moved on establishing a firm base on the southern side of the earlier gate, it was fired with light machine guns automatic rifles pistols and hand grenades. It also drew heavy fire from the Harmandir Sahib but as per instructions did not return the fire towards Harmandir Sahib. A wounded Junior Commissioned Officer (JCO) entered the Akal Takht and got captured. He was then blown up with the explosives.

15 Kumaon used an APC to provide covering fire from the western corner of the Parikarama but, even that was shot by anti-tank weapons and destroyed at the western gate itself. Troops inside the APC suffered heavy casualties and infantry weapons failed to neutralise the complex, including the Akal Takht, the red building and the Nissan Sahib complex. Brig Rao sought permission to induct tanks into the Parikrama. General Sundarji spoke to Rajiv Gandhi in the early hours of June 6. He and Arun Singh were in the control room in the Prime Minister's house. This had been permitted without consulting the Prime Minister. She (Indira Gandhi) was reportedly shocked and stunned. She had been told that the army operation would be swift, short and decisive with the minimum loss of lives. She is reported to have clapped her hand on her forehead and announced that her death was now almost inevitable, perhaps sensing her ominous future.

The Army shared with us many pages of statements describing the fierce battle that made us both angry and scared. It was truly amazing how powerful they had become, how well organised they were and how determined they were to wage a war against India. They were able to take the Army by surprise and inflicted heavy casualties. Their supplies of weapons of assault seemed almost unlimited—Army, rifles and guns, ammunition and explosives, light machine guns, self-loading-rifles, carbines stenguns, anti-tank guns and Chinese assault rifles. A factory equipped to manufacture small arms and ammunition had been built inside the temple complex. One shudders to think what would have happened if the Army had failed in this operation.

Unfortunately, the unprecedented operation in a religious place attracted a lot of public attention and the Army was vilified. Army personnel were accused of using excessive force in a place of worship. On their part, they did commit the mistake of ignoring the Punjab Intelligence warning about the scale of the preparations by the militants. Amidst all this were caught 1,592 persons who had survived the bloody battle and had been rounded up by the Army at the end of the operation. Understandably, there was anger against them and many contented that all of them were dreaded terrorists who should be hanged.

But this was not my view. It was clear that not all of those who had been apprehended by the Army were terrorists; some were pilgrims who were caught in the crossfire. A CBI officer is duty-bound to not pre-judge the accused and to strike a balance between a strict interpretation of the law and humane considerations. Bring in humanity and test your theory against the evidence—that is the balance one should always seek. The look of sheer terror on some of the faces of those who had been arrested was a giveaway. It was clear that they were devotees who had come to seek divine blessings and did not deserve the death penalty. There had been repeated announcements in Punjabi for pilgrims to leave the temple complex:

> *Pyare sada sangatajee vahe guruji ka Khalsa, vahe guruji ka fateh. Aap jee nu vinti kiti jandi hai ki hun ton 5.30 vaje de darmian security force ne firing band kar diti hai iss dauran sarre sadh sangat nu vinti hai ki oh darshini deori chowk ghant ghar vaipsion bahar aak siddhe kotwali ajaan.* (Salutations to worshippers. This is to inform all of you with great respect that the security forces with effect from around 5:30 have stopped firing. Therefore, all worshippers are respectfully urged to return to the Darshan Deori Chowk, Ghantaghar.)

Many pilgrims chose to do so risking the wrath of militants. Yet there were others who stayed behind. To the Army it meant they were extending moral support to the militants. But there were other very probable explanations. They may have truly believed that the temple walls would provide them greater security than if they risked lives in an attempt to leave. They could have been cowering out of fear and undecided about what to do. Whatever

may be the reason for not leaving the temple complex, it would have been an act of injustice to assume that they were terrorists without weighing the evidence carefully.

I ordered my team of men and officers to individually question each of the 1,592 persons who had been arrested. Each one gave his/her home address, the place he/she lived before being captured. We sent wireless messages to each police station closest to the locations and sought police verification reports on their antecedents. We received responses from all the police stations but only 433 out of the 1592 were reported to have some history of criminal activity. I decided that unless the persons arrested had some sort of a criminal background, I would rule them out as terrorists. Further, our investigation of sitreps[35] showed the number of people captured by different units within the temple complex with weapons or from those who were dead was also 433. We decided to prosecute only these 433. It required us to dot the 'I's and cross the 'T's to establish the names of these 433 persons who were further investigated. Thereafter, we finally established *prima facie* that 379 out of the 433 investigated were among those who had fought the Indian Army, possessed arms of destruction, and raised anti-India and pro-Khalistan slogans. They alone should be prosecuted as terrorists, we opined.

Brig Rao understandably did not like our decision. Nor did his superior Major-General Brar or the Minister of State for Defence KP Singh Deo. The Army had wanted to prosecute all of them. Efforts were made to persuade me to agree to prosecute all 1,592 arrested and then allow 1,159 to be discharged by the trial court. Senior officers of the Ministry of Defence were also keen that the Army's view should prevail. The argument was that prosecution did not mean conviction and therefore, there was no harm in prosecuting all those who had been held in custody. I was not ready to accept this position and argued that we should prosecute only those against whom evidence indicated had *prima facie* committed the crime of waging a war against the nation. I did consider the Army's views, but given the fact that 3 June was Guru Arjun Dev's Martyrdom day, the probability that they were pilgrims and not terrorists weighed heavily on me. If they had been prosecuted, the taint of being terrorists would have haunted them all their lives. I remained firm on my position that either only 379 would be

prosecuted or nobody would be, because the mere fact that the Army had arrested them was insufficient evidence.

Wheels run within the wheels of justice. There are many narratives of justice, some beyond our perception. The Punjab Settlement of 1986 ended this saga. All the charges were dropped and all the accused were set free. But the bolt from Blue Star struck two deadly blows—Prime Minister Indira Gandhi was killed on 31 October 1984 and General AS Vaidya was killed on 10 August 1986.

Was this really justice? We can never be sure whose crime and whose justice it was. As investigating officers in this great institution all we could do was follow the law with humanity, conscience and deference to the truth. We did not take orders from anybody other than the rule of law.

Law, humanity and order together comprise the lodestar of a CBI officer.

Khandelwal and Harshad Mehta: 1993

We live in an age of infotainment, when news is entertainment with 24x7 news networks perpetually looking for sensational ‘breaking news.’ Events are ‘breaking news’ not because they are of national importance but because they can be easily sensationalised or politicised. Thankfully, in 1994, there were not that many television news channels. Had there been competitive headline-grabbing media back then, news of my decision to arrest MD Khandelwal would have created an uproar. There would have been prime time debates with hashtag wars on Twitter and long opinion columns would have been published questioning the decision of the CBI and lamenting that the agency was being influenced.

But behind every headline there is a complex story which is ever evolving, with several actors playing their part, and no predictable ending. A victim might become a villain in a later scene, and the CBI officer who arrests someone without sufficient reason may seem vindictive and tyrannical. But it might soon be revealed that he was only trying to help.

In 1993, against the backdrop of the Securities Scam investigations which I was heading at the CBI and at which time the scandal was concurrently being examined by a Joint Parliamentary Committee (JPC),

Khandelwal, son of a former Chairman of the Railway Board and nephew of the Chief of Joint Intelligence Committee (JIC) of the government of India, was arrested. Khandelwal was a chartered accountant (CA), a smart and affable person who moved around in affluent social circles. He was the CA and attorney of Harshad Mehta, the mastermind of the Securities Scam and was fully aware of Mehta's operations in Mumbai and Delhi. During investigations, it became clear to me that he had a role to play in the Securities Scam, either on Mehta's instructions or at his own discretion or both. But the material evidence we had on hand and Khandelwal's conduct did not exactly warrant his arrest. He had joined the investigation freely and needed no prompting to spill the beans. The CBI's culture of investigation did not call for is it unflinching? ignominy on a person by arresting him when he was willing to cooperate. Still, I arrested him. Why?

Quite understandably, my action upset several people. Given his influence and connections, Khandelwal never expected that he would be arrested. The all-powerful chief of the JIC, Khandelwal's uncle, was furious. He berated my Director SK Dutta, who was from the Uttar Pradesh cadre of the Indian Police Service (which was also his cadre). Dutta was his junior by a few years. I was hard put to explain this seemingly unnecessary arrest.

Khandelwal and Mehta were both accused in the Securities Scam and charged with various crimes. But Mehta's guilt and culpability were far more serious. His prosecution depended upon the testimonies of witnesses, of whom the most prominent was Khandelwal. I needed him to become an approver and give evidence against Harshad. How could I achieve this? What could I do to pursue Khandelwal to become an approver? It was a ticklish proposition because Khandelwal was Mehta's accomplice and for an accomplice's evidence to be acceptable required him to first admit his own crime and then be put under custody away from the influence of investigators. Khandelwal, a highly-placed CA was not likely to admit to his crime without exhausting all possible legal means, trying every trick under the sun to evade justice.

No one admits being a criminal, unless he was treated as one. One has to instil the fear of arrest in such a person. Unfair, yes, but not unpremeditated. Khandelwal's role in the Securities Scam was crystal clear. If he confessed in front of a magistrate during trial, there was a distinct

possibility he would be incarcerated. But because he turned approver on being arrested and obtained a bail, he was not jailed again. He took a long time to furnish against Mehta but his arrest in the initial days of our investigation saved him from further harassment later.

Khandelwal's uncle, a very respected civil servant who had rendered with yeoman service to the country, remained unhappy with me for a very long time. But I never told him that I could read the future of Khandelwal when his role in Mehta's shenanigans first invited my detailed inspection. And that much thought had gone into his arrest, which seemed unfair on the face of it, but it turned out to be a better deal for him in the long run.

Zinc Corporation Case: 1990

When we say that the CBI is an 'institution,' what does it mean? For that matter, when politicians talk about protecting India's democratic institutions, what exactly does that mean?

In my view it means humanising any system or organisation. Every pillar in a democracy, the legislature, executive, judiciary, and all the other pieces of this giant machinery function according to strictly coded rules and regulations. But beyond cold laws, codes, rules, structures and disciplines, we must endeavour to instil a heart and a soul into the system, so that ultimately as an organisation it strives to attain goodness. How can we put a heart and soul in abstract notion or in an intangible institution?

This is where individuals who are part of the system play an important role. Our heart, soul and conscience must work in tandem with the rule of law. Make law, humanity and order our lodestar, and use our best judgment to first assess a situation and then act in the manner that achieves greater good.

In 1990, the Central Vigilance Officer of the Zinc Corporation of India (ZCI), SK Chatterjee came to me with an unusual request. He was my course mate, and a maverick in the IPS. Perhaps a mix of professional and personal respect made me give him a patient hearing and think beyond the cold rule. The rule is that when an FIR is filed and an investigation is being carried out by the CBI, all the persons named in the report would be adjudged together.

Chatterjee approached me with a request for an early disposal of a case relating to two out of four people mentioned in the FIR of a corruption case in ZCI's Khetri (Rajasthan) plant that was being investigated by the CBI's Jaipur office. I was the DIG in New Delhi to whom the Jaipur branch reported, and I was hesitant about responding to his request.

Why at all had he made such an unconventional request was beyond me. Seeing the expression on my face, Chatterjee said that promotions were due to these two persons soon, but because of the investigation they would be passed over. 'Which makes absolute sense, why should a person under investigation be considered for promotion?' I asked. His response had a heart, but no legal basis. He was convinced that the two officers were innocent, and would be proved as such in the long run, but the CBI's investigation would ruin their chances of promotion and irreparably damage their career. Chatterjee's only argument was that until they were named by the CBI as accused persons they had a spotless record. This argument again had no legal basis, because a spotless past is no guarantee against corruption in the future. But I could see that Chatterjee was genuinely concerned about them.

I stepped outside the cold rigid box and got their cases reviewed thoroughly over the next seven days. I found that indeed they were not criminals, and deserved to be adjudged early for the sake of their promotions. So, I wrote to our policy division to help me decide whether taking a decision on just the two of them was admissible. I got an approval and ran it through my Joint Director cum Special IG to examine the unconventional approach. He not only approved but also got the CBI Director to agree. The two ZCI officers were promoted.

The big message: a promotion when due is a highly desired denouncement for an honest officer in government service. The CBI, the institution, has a heart which understood this, and took unusual steps to ensure that human values are not lost in cold laws.

6
Hitting Rock Bottom

24 October 2018. Breaking news: ‘The Central Government takes over the Central Bureau of Investigation.’ In a midnight ‘coup,’ both CBI Director Alok Verma and the second-in-command in the agency Special Director Rakesh Asthana were divested of all their powers and compulsorily sent off on leave. A new Acting Director was appointed who immediately transferred 12 CBI officers, all of whom were investigating corruption charges against the No 2 officer in CBI under the leadership of the No 1 officer in the country’s ‘premier’ investigating agency—and all of this took place at around 2 am in the dead of the night.

What happened to the CBI? What was this coup all about? Was India being attacked by an enemy force? Had an Emergency been declared? How could the government so brazenly attack the autonomy of the institution and overnight remove a Director who is supposed to have a fixed tenure?

The incumbent government does not have the power to remove the CBI Director, who is both appointed and removed by a three-member committee comprising the Prime Minister, the Chief Justice of India and the Leader of the Opposition in the Lok Sabha. Was this then, a desperate attempt by the Narendra Modi government to stop Verma from inquiring into the Rafale Scam as alleged by Congress leader Rahul Gandhi? The people of India have never witnessed something as shocking as this since the country became independent in 1947. How does one make of this unprecedented development?

* * * * *

From 1963 till date, the CBI has had 29 directors and several joint directors. I am but one of them. So what is special about my stories? Perhaps nothing, except for the time this book is being written. As I remember the 33 years

of my life that I worked in the CBI, the institution is going through the most damning phase of its history.

The CBI is in a state of free fall. Ordinary citizens of India have lost the last shred of faith they had in the autonomy of this institution which was established with great hopes and painstakingly developed by some of us over the decades. Successive governments have misused the organisation for political gain and the Modi government, in just four years, has by its actions ensured an exceptionally negative perception of the CBI. The government is ruthlessly invading every institution of the nation. It seems to believe in a dictatorial form of governance.

In January 2018, for the first time in its history, four of the most senior judges of the Supreme Court (after the Chief Justice of India) held a media conference to tell the people of India that something needed to be done to reform the apex court of the country. They argued that democracy would not survive otherwise. Supreme Court judges traditionally remain aloof from the media and never hold public press conferences for the simple reason that judges cannot possibly make appeals to the people; it is the people who make appeals to judges and not vice versa. It was thus truly shocking when four judges—Justice J Chelameswar, Justice Ranjan Gogoi, Justice MB Lokur and Justice Kurian Joseph—addressed the media at Chelameswar's residence with an appeal that there was a need to save democracy. Said the senior most of the four judges Chelameshwar: 'At the outset, we four would like to thank each one of you for responding ...(at) very short notice. It's an extraordinary event in the history of this institution. The administration of the Supreme Court is not in order. Many things that are less than desirable have happened in the last few months... Unless this institution is preserved, democracy will not survive in this country.'

Just how desperate and helpless must the judges have felt that they had to bring out in the open the anomalies in the working of the Supreme Court of India? While no names or specific incidents were mentioned, it was widely seen as a revolt against the then Chief Justice Dipak Misra's handling of allocation of cases and constitution of benches, particularly the hearing of a petition seeking an investigation into the death of CBI Special Judge Brijgopal Harkishan Loya.

Judge Loya was hearing the high-profile Sohrabuddin fake encounter case[36] in which BJP President Amit Shah was the prime accused. Loya died in December 2014 under mysterious circumstances at a government guest house in Nagpur where he had gone to attend a wedding. The official cause of death was said to be a heart attack. However, in November 2017, an investigation carried out by *Caravan* magazine revealed that certain members of Loya's family were of the firm belief that he had been murdered. They also mentioned that ₹100 crore had been offered to the judge as a bribe to influence his decision in the Sohrabuddin encounter case. Prior to this, JT Utpat, the judge who had been hearing the case before Loya, had been abruptly transferred despite a 2012 Supreme Court order specifying that the same judge should hear the case from start to finish. After Loya's death, the next Judge MB Gosavi expeditiously heard the case within a month and discharged Shah of all charges.

These reports once again shocked the nation and pointed a finger of suspicion towards the CBI for its sloppy investigation and the prime accused Amit Shah, who had arguably become the second most powerful man in India after May 2014. The mystery behind the sudden death of Loya has been buried under a big pile of several such unresolved mysteries in the annals of the CBI, even as the then Chief Justice Misra dismissed the petition that had led to the 'revolt' by his brother judges. Judge Loya's death was 'natural' and no independent investigation was required, the country's highest court held.

Misra had been long rumoured to be 'Modi's man.' Many in civil society and in the political Opposition have expressed their apprehensions that democracy was being throttled by the Modi government by invading the autonomy of several institutions, including the Supreme Court. Within a day of the Loya verdict, in an unprecedented move, Opposition parties in Parliament brought in an impeachment motion against the sitting Chief Justice of India. The unrest and distrust created by the judges' press conference was damaging enough for the Opposition to take such a bold step. Eventually, however, the impeachment motion was withdrawn.

The trust ordinary people have in investigative agencies, the judiciary and the government plummeted with the extremely unpleasant and worrisome turf war between No 1 and No 2 persons in the CBI, first reported in July 2018.[37] *The Indian Express* reported that the CBI had told

the Central Vigilance Commissioner in a letter that Special Director Asthana did not have the mandate to represent Director Verma, and that Asthana himself was ‘under the scanner’ in several corruption cases.

Frankly, at first, I did not even believe the story. The CBI had not officially responded to the media report—it seemed to me that the newspaper reports were exaggerated. I had doubts whether the so-called letters written by the CBI to the CVC at all existed. I was soon proven wrong. The turf war became more obvious as reports kept pouring in about more investigations carried out by Verma against Asthana, widely believed to be a favourite of Prime Minister Modi and the then BJP President Amit Shah in the ‘New India’ they were building. Asthana was an IPS officer of the Gujarat cadre and was the man who had supervised the 2002 investigation into the Godhra train fire in which the Special Investigation Team (SIT) did not find any evidence against Modi. The Prime Minister evidently wanted him to head the CBI. He was appointed Additional Director in December 2016 and promoted to the position of Special Director in October 2017. The director at that time, Verma objected to his appointment as he was under investigation. But being Modi’s favourite, he was not only appointed but also promoted. Since then, the two had been at loggerheads.

On 21 October, the CBI filed an FIR against Asthana for accepting a ₹2 crore bribe to sabotage a probe against controversial meat exporter Moin Qureshi, and arrested Manoj Kumar, a middleman who allegedly paid money to settle the case. Senior CBI officials confirmed this unprecedented development and said an FIR had been registered against Asthana on 15 October and that Kumar had confessed and recorded his statement before a magistrate about the bribe, reported *The Pioneer*.[38] Three days later, the Modi government sacked both Verma and Asthana and made way for the CVC to conduct a probe into the corruption allegations that the two top officers in the CBI had been throwing at each other.

It was prudent to remove both officers and initiate an independent inquiry. But why was this done in the dead of the night? This was tantamount to the government grabbing the CBI by the collar, and rightly, the move enraged the nation. ‘Can the CBI sink any lower?’ asked journalist Ritu Sarin in her column for *The Indian Express*. Sarin, who had

followed the CBI's activities for over two decades, wrote that while things were always bad with the CBI, it was never this bad.[39]

In its defence, the government through the Attorney-General, said that the 'dispute between the CBI Director and Special Director was pulling down (the) integrity and respect of the premier institution,' and that was why both were sent on leave. This may well be true, but the fact is they had been fighting since July; so, why did it suddenly occur to the government that time had run out and the midnight drama become inevitable? Why did this sudden decision come within a day of the CBI's FIR against Asthana, and within weeks of Prashant Bhushan and Arun Shourie meeting the CBI Director requesting him to *suo motu* register a preliminary enquiry to investigate the Rafale Scam?

Turf wars are not new to the CBI. There had been cases where the Director and other senior officers have had heated arguments to the point when individuals have stormed out of meetings. The CBI always had place for disagreements—be it among seniors, co-rankers or even juniors. I myself have stood up against my directors on many occasions but matters never went out of hand. What we believed in was healthy dissent, without which no organisation can excel. But what is happening now inside the CBI is a bloodbath among the corrupt, greedy and unethical, both inside and outside the bureau.

Anybody who has followed the journey of the CBI over the last five decades can tell that whenever a case has been registered in which no big politician was involved, the CBI has invariably done a great investigation and nabbed the culprits. The stories I tell in this book are a testimony to this contention. From Dharma Teja's extradition to the investigations in the Bombay Blasts cases, the CBI's track record should make us nothing but proud. In the first two decades of its existence, the CBI was so successful that it gave birth to new organisations like the National Investigation Agency (NIA) and the Special Fraud Investigation Office (SFIO) (in setting up of which I had played a role). Yet, when it came to cases like the 2G Scam, the Coal Allocation Scam, the Bofors Scandal and the Sohrabuddin case, the CBI degenerated into what the Supreme Court called a 'caged parrot.'

Certain cases are suddenly resurrected as soon as there is a regime change in New Delhi. The Aircel Maxis case in which former Union

Finance Minister P Chidambaram and his son Karti were involved suddenly saw the CBI filing fresh charges in an additional chargesheet four years after the first chargesheet had been filed although there had been no change in the facts of the case. If indeed the facts are the same, why were these charges not filed during the earlier Congress-led UPA government? Why were they being levelled after the BJP came to power?

On the other hand, in the August 2013 murder case of rationalist and anti-superstition activist Narendra Dabholkar, the three accused Amol Kale, Rajesh Bangera and Amit Degvekar were granted bail on the ground that the CBI had failed to file a chargesheet within the stipulated time. In this instance, the CBI's lawyer even failed to appear in the sessions court where the bail application was filed. What can explain this apathy and inefficiency on the part of the CBI in filing a chargesheet, or at least seeking an extension of time to file it? One explanation could be that the accused were associated with groups such as the Hindu Janjagriti Samiti and Sanatan Sanstha, that claim to be supportive of the government.

* * * * *

In 2015, India had signed a government-to-government weapons deal for the purchase of 36 Rafale fighter jets from Dassault Aviation of France. The deal has been labelled as a scam by the Opposition parties with Congress President Rahul Gandhi alleging that Prime Minister Narendra Modi is personally involved in corruption related to the deal.

The process of purchasing the jets had been initiated by the UPA government in 2007 under Defence Minister AK Antony. A government tender was floated for the mega deal in which contenders Lockheed Martin's F-16, Eurofighter's Typhoon, Russia's MiG-35, Sweden's Gripen, Boeing's F/A-18 and Dassault Aviation's Rafale made bids. After a long-drawn meticulous scrutiny, bids were opened in December 2012 and Dassault Aviation was identified as the lowest bidder. A proposal to purchase the jets was drawn out. It was planned that 18 ready-to-fly aircraft manufactured in France would be purchased and 108 would be manufactured in India in collaboration with the Hindustan Aeronautics Ltd (HAL). The Indian Air Force (IAF) chief had tested the jets and approved them. A hard bargain was driven on the pricing of the jets and a price of ₹526 crore was fixed for each jet.[40]

But the regime changed in 2014 before the deal could be finalised. In April 2015, on an official visit to France, Prime Minister Modi made a sudden announcement, ‘Keeping in mind the critical operational necessity of fighter jets in India, I have talked to him [French President Francois Hollande] and requested for 36 Rafale jets in flyaway condition as quickly as possible under a government-to-government deal.’

This announcement came out of the blue giving rise to the suspicion that Modi had a vested interest in the deal. Media reports revealed in February 2017 that a company in the Anil Dhirubhai Ambani group headed by Anil Ambani and Dassault had formed a joint venture (JV), and the offset contract in the deal—reportedly the largest ever in India—had been bagged by this JV. Why would Dassault enter into a JV with Ambani, whose group had a ‘debt of ₹35,000 crore?’ The new company supposedly came into existence merely twelve days before the deal was signed and had no experience whatsoever in manufacturing defence equipment. Why would Dassault replace the public sector HAL, which has been making defence equipment for 70 years, with this inexperienced company owned by a person who was heavily indebted?

Things do not add up. What, however, does is that Ambani could benefit to the tune of ₹30,000 crore by the deal; Modi’s friendship with rich industrialists is well known. And it does not help Modi’s case that Ambani was personally present in France at the time Modi made the announcement.

Things not only did not add up, they got worse. Media reports emerged in August 2018 revealing that two days before Hollande and Modi signed the memorandum of understanding (MoU), Anil Ambani’s Reliance Entertainment entered into a deal to produce a film with Hollande’s partner, actor Julie Gayet. Wait, more was to come. On 22 September, ex-President Hollande made a shocking revelation in an interview to *Mediapart* that, ‘we didn’t have a say in that (choice of offset partner). It was the Indian government that proposed this service group (Reliance), and Dassault who negotiated with Ambani. We didn’t have a choice; we took the interlocutor who was given to us.’

Shocking allegations, endless questions and the government still had no response:

1. Did Narendra Modi bypass defence procurement procedures? Did he take any of his cabinet ministers, the finance ministry or the Defence

Acquisition Committee on board before suddenly announcing in April 2015 that India would buy 36 Rafale jets from France?

2. The deal finally signed in September 2016 is drastically different from the one negotiated by the UPA government (since 2012) and the price of each jet in the deal cut by Modi was apparently three times the original price, if media reports are to be believed. What is the truth? What is the price of each Rafale jet?
3. Modi's deal does not include technology transfer to HAL, considered as a major push to the government's 'Make in India' initiative in the defence sector. Was this a wise decision?
4. What was Anil Ambani's role in the deal? Was this all pure coincidence?

So far, the BJP government's reactions to all these allegations have either been disdainful, dismissive or erratic self-contradictory statements. Party spokespersons have tried to explain the threefold price difference by claiming that the jets we are now buying are not the same as the ones the UPA had negotiated for—the new aircraft have features specially customised for India. When asked about details of the features, it has been argued that details cannot be revealed as these are confidential and should not be made public to protect the country's security interests. The Congress party claimed that as per an India-France joint statement made during Modi's visit to France, 'The aircraft and the associated systems and weapons would be delivered on the same configuration, as has been tested and approved by the Indian Air Force (which took place during the long drawn negotiations during the UPA regime).'

If this indeed is true, there should be no difference in the jets' specifications and pricing. Certain new features were indeed mentioned by the media in both India and France while reporting on the deal such as 'new age beyond visual range missile Meteor' and 'Israeli helmet mounted display,' but it is not understandable how the inclusion of these features would result in a threefold increase in the price of the aircraft. Then again, was the price really three times the price negotiated by the UPA? We cannot tell because the government has steadfastly refused to reveal the exact price of the jets. The taxpayer's money is being spent in buying the figher jets for the Indian Air Force but we as citizens do not have the right to know how

much of our money is being spent—which have nothing to do with the technical specifications of the Rafale aircraft.

None of the allegations by the media or the Opposition parties has been denied by the BJP; instead the party and the government have tried to divert attention from the key issues. Hollande's bombshell has not been denied even though most parties involved subsequently tried to control the damage. The government of France and spokespersons of Dassault Aviation made statements that were obvious—that Dassault made an independent choice and had followed procedures. But they did not say Hollande was lying. Much water has flowed down the river, many questions have been raised, and yet the government has not done the simplest thing—order an inquiry. The Opposition, the media and civil society have all been seeking the institution of a Joint Parliamentary Committee enquiry into the deal, but the government has flatly refused to accede.

Compare this situation with how the Rajiv Gandhi government responded to the allegations that illegal payoffs of ₹64 crore were in the Bofors deal. On 24 March 1986, India and Swedish arms manufacturer AB Bofors entered into the ₹1,437 crore deal for the supply of 400 155 mm Howitzer guns for the Indian Army. On 16 April 1987, Swedish Radio claimed that the company, through middleman Ottavio Quattrocchi (an Italian businessman allegedly close to Rajiv Gandhi's Italian wife Sonia) had paid bribes to top Indian politicians and defence personnel to grab the deal. This led to an outrage with the Opposition directly accusing Gandhi of corruption, even though he told the Lok Sabha that no kickback was paid, and no middlemen were involved in the deal. Demands for setting up a JPC to investigate the contract was raised. On 6 August, the government accepted the demand and a JPC was set up under Union Minister B Shankaranand.

If a JPC could be set up on the basis of allegations in the Swedish media and a public outcry, the question naturally arises as to why the Modi government has not acted in a similar manner to inquire into the Rafale deal. What does an ordinary citizen make of this? The nation has been clamouring for a JPC, but Prime Minister Modi has been silent while other ministers in his government are claiming that there is nothing untoward in the deal.

The Rafale case went to the Supreme Court. Among the petitioners were former Union Ministers Yashwant Sinha, Arun Shourie (both of whom used to belong to the BJP) and lawyer Prashant Bhushan. They called for a court-directed investigation by the CBI. On 14 December 2018, a three-judge bench headed by Chief Justice Ranjan Gogoi and comprising judges Sanjay Kishan Kaul and Kurian Joseph, dismissed all the petitions. The decision was criticised as it appeared that it was based partly on factually incorrect information submitted by the government to the court in a sealed envelope which the petitioners did not get an opportunity to verify. The judgement claimed that the file related to the Rafale deal had been examined by the Comptroller and Auditor General (CAG) of India, that its report had been submitted to Parliament's Public Accounts Committee which would make public a 'redacted version of the report.'

All these 'facts' were wrong. At the time of the judgement, the CAG report had not been finalised and hence, not been tabled in Parliament. Importantly, there was no precedent of the PAC redacting portions of a report by CAG before making it public. It seemed the Supreme Court had been misled by the government's 'secret' note given in a sealed cover. The government realised its blunder and filed an application with the apex court to correct what it called certain 'grammatical mistakes' in its judgement. The judgement was criticised on other grounds as well, for instance, for not differentiating between firms in the corporate groups headed by the Ambani siblings, Mukesh and Anil, who were estranged and headed separate business conglomerates.

The petitioners sought a review of the judgement by the same bench of the Supreme Court. Eleven months later, on 14 November 2019, just before Gogoi retired as Chief Justice, the bench stuck to its decision. As the government's supporters interpreted it as a 'victory,' the appellants Sinha, Shourie and Bhushan were disappointed but not entirely unhappy. The original petitioners, lawyer Manohar Lal Sharma and one Vipin Dhanda remained silent. Sharma is not the silent type and has filed several Public Interest Litigation (PIL) petitions in a number of courts, including the Supreme Court of India. He was a petitioner in the Coal Block Allocation Scam and he had also challenged the validity of the National Judicial Commission. In one instance in May 2015, he was adjudged 'scandalously irresponsible' and was almost denied the right to file fresh PILs before apologising.

In this case, Sharma was ‘successful’ thanks to the intervention of Sinha, Shourie and Bhushan. But he did claim success. Why do I call it a success? After all, the original petition and the review prayer were both turned down. It is important to note here that one of the main reasons for rejecting the review petition as well as the original writ petition was on account of the writ petition being filed under Article 32 of the Constitution of India. The operative order read: ‘We are, thus, of the view that the review petitions are without any merit and are accordingly dismissed once again, re-emphasising that our original decision was based within (the) contours of Article 32 of the Constitution of India.’

Those with even an elementary knowledge of our Constitution would know that Article 32 can only be a factor when our fundamental rights are infringed. In this case, it was argued that no one’s fundamental rights had been infringed upon in the Rafale contract. It is puzzling why Sharma’s petition was at all entertained and not dismissed at the very threshold. After all, the Supreme Court had observed on 10 October 2018 that only a limited enquiry had been embarked on despite the fact that it was not satisfied with the adequacy of the averments and the material in the writ petitions. Why would the apex court then delve into the case in the first place? There are two unanswered questions in this context. First, what was the objective of the original petitioners? Secondly, why did the Supreme Court exercise its writ powers under Article 32 in a matter in which it had doubts about the adequacy of the averments?

Justice Kurian Joseph’s concurring but separate judgement represented the success of petitioners Sinha, Shourie and Bhushan. The CBI was now in the picture and the interveners demanded action by the bureau. The Rafale case is without doubt now the CBI’s baby. Joseph, in what constitutes much more than an *obiter dictum* (or an opinion expressed by a judge that is legally binding as a precedent) of the Supreme Court, mandated such a line of action. This is what he stated as a direction in conclusion: ‘...the judgement sought to be reviewed would not stand in the way of the first respndent (CBI) ... from taking action on (the complaint) ... in accordance with (the) law.’

Additionally, Joseph observed that the powers of the police are more extensive than those of the Supreme Court (that is confined by the contours of Article 32). In a detailed elaboration of the powers of the police, he said

these were over-riding and did not overlap with the Supreme Court's power. The CBI could thus act on its own as laid down in the November 2013 *Lalita Kumari* judgement. In this case, a five-judge Constitution bench of the Supreme Court (including Gogoi) had laid down various guidelines with respect to investigation of criminal cases by the police, removed restrictions and limitations on a police officer's investigations and made the registration of a first information report (FIR) mandatory. If I were Joint Director (Anti-Corruption) of the CBI—a post I held in 1992-93—in view of Joseph's concurring but separate judgement in the Rafale case, I would have recommended that in compliance of paragraph 17A of the Prevention of Corruption Act, 1988, the CBI should seek permission of the government's Department of Personnel (DoP) to start a preliminary enquiry based on the complaint filed by Sinha, Shourie and Bhushan. The squealing baby that is the Rafale case is squarely in the CBI's lap and to forestall any embarrassment to the bureau, it should be seeking the DoP's permission to register an FIR. Whether this would happen under the Modi regime is, of course, another question altogether.

* * * * *

A crime is always committed against the State, not against individual citizens. That is why it is the State's responsibility, carried out through the police, the CBI and other agencies, to investigate a crime, prosecute the accused and bring the criminals to justice. In the situations outlined, when there are several allegations of corruption, the CBI should take up cases *suo motu* or on its own. However, in the present dispensation, the CBI often waits for the government's order or permission. If, in a given case, the CBI fails to prove the guilt of an accused in a lower court and receives a judgment against proceeding for prosecution, the practice is to file an appeal in a higher court and take the case to a logical end through legal means. But in many cases, we have noticed that the CBI does not file an appeal. Which were these cases? And in which cases were powerful politicians involved?

The CBI did not file an appeal against the Mumbai Special Court's decision to discharge Amit Shah (now Union Home Minister) in the Sohrabuddin Sheikh fake encounter case.[41] Yet, in the Bofors Scam case involving Rajiv Gandhi and few other Congress leaders, the CBI

approached the Supreme Court to challenge a Delhi High Court order discharging the UK-based Hinduja brothers and a Swedish firm citing new evidence—after a gap of twelve years![42] The Supreme Court, however, did not find any justification for the delay and denied the CBI's appeal. 'We are not convinced with the grounds furnished by the petitioner in explaining the inordinate delay of 4,522 days in filing this special leave petition (SPL),' the court held.[43]

In August 2012, a trial court held a BJP minister in the Gujarat government, Maya Kodnani, as a key instigator in the state's worst communal massacre that left 97 Muslims dead in Ahmedabad's Naroda Patiya area in 2002 and sentenced her to 28 years in prison. The convict filed an appeal in the Gujarat High Court and on 20 April 2018, the court acquitted her of all charges and the BJP political leader walked free. From finding her guilty beyond reasonable doubt to being acquitted of all charges, how does such a 180-degree turn happen? The CBI has a period of 90 days to file an appeal against acquittals by high courts. At the time of writing this book, there was no information that the CBI had filed an appeal against Kodnani's acquittal.

As we were completing this book, news came in that all the 22 accused persons in the Sohrabuddin fake encounter case that had been investigated by the CBI since 2010 when it was taken over from the Gujarat Criminal Investigation Department (CID), had been acquitted by a special CBI Court in Mumbai. Special CBI Judge SJ Sharma expressed regret while acquitting the accused adding that he was helpless because the CBI could not prove a nexus between the accused and the alleged offences. Three people are dead —Sohrabuddin Sheikh, Tulsiram Prajapati and Kauser Bi—and thirteen years later nobody is found guilty, as if nobody killed them. The verdict has come across as a gross failure of the Indian justice system and reeks of interference from the powers-that-be. First, there were mysterious machinations through which Amit Shah got a clean chit, even though till the final stage of the trial, that is, in November 2018, one of the last prosecution witnesses had named him, former DIG Dahyaji Gobarji Vanzara and Rajkumar Pandian as being among the principal conspirators.[44]

Secondly, the judge went ahead and gave a second 'clean chit' to Shah —by then Union Home Minister and the second most powerful person in the Modi government—even though he was not on trial. Further, the

judgment contained a self-contradictory statement. It said that the prosecution had tried its best to prove that the accused in the case were guilty but were helpless if witnesses turned hostile. In a case in which 92 witnesses had already turned hostile, it should have been the CBI's duty to conduct a separate investigation into why so many witnesses had turned hostile and whether there had been pressures exerted on them. No such attempt was made. The prosecution allowed the case to literally fall apart.

By the time this book goes into print, and lands in your hands, we would know whether the CBI filed an appeal in this case or not.

The bottomline is clear. The questions are obvious. Which case gets investigated by the agency and which gets closed? When does the CBI appeal to higher courts and when does it not? When does the bureau file an additional chargesheet? And when does it fail to produce even basic evidence thereby allowing an accused to get automatic bail? The answers to these questions will inform you if there is the presence of a mysterious hand that controls decisions of the CBI and whether that hand belongs to the proverbial Frankenstein's monster, the criminal-politician-bureaucrat nexus.

Sohrabuddin-Kausar Bi Twin Murder Case: 2005

The Sohrabuddin case highlights another area of concern—the relationship between witnesses and investigators who are often not on the same wavelength. Sometimes our personal experiences give us a better understanding of very complex issues. I would perhaps not have fully understood the concern over hostile witnesses had I not myself been in a situation where I was going to turn hostile.

It was early-1996, shortly before my retirement day in April 1996. I was visiting the office of India's Chief Passport Officer Bhaskar Mitra on Tilak Marg, New Delhi. An Indian Foreign Service (IFS) officer, Mitra had in the last three years become a vital cog in our team—the Special Task Force. The CBI needed all the help it could get to investigate and arrest terrorists who had escaped abroad and Mitra had helped smoothen the work of the CBI. As I left his office that day, he walked down from his first-floor office to the official parking lot to see me off.

Inside the parking area, we spotted a lone sizzling-red coloured Maruti 800. Its driver lay sprawled on the front seat, his feet stretched catching 40

winks. The sight of a Maruti car was worth noting then as those were days when Ambassadors were largely in use. Moreover, this particular Maruti had a sticker of the Ministry of Home Affairs (MHA)—which made me suspicious. Both Bhaskar and I walked up to the vehicle, woke the driver up and asked him a few questions. My hunch that a genuine car sticker of the MHA was being misused proved correct. This was serious stuff. Delhi was at that time a city where terrorists found safe haven. Within minutes, the Tilak Marg police station had been informed and an officer arrived on the spot. He took down my complaint. The formalities were over in an hour or so, and I made my way back to my office at the Central Government Office (CGO) Complex.

April arrived and I retired.

Fourteen years later, to my utter surprise, I was summoned to the Patiala House courts to depose. No one from the Delhi Police had got in touch with me regarding the case in this long interregnum of more than two decades and suddenly, I was summoned to appear in court immediately to fulfil the serious responsibility of deposing as a prosecution witness. The prosecutor informed me that as per records, I had been examined as a prosecution witness during the investigation. To support his claim, he even produced my statement. The only glitch was that I could not remember having recorded one.

As I read the statement, I found the narration of events which took place 16 years ago to be factually correct. Or shall I say, correct to the best of my knowledge and memory. But it had not been recorded by the investigating officer (IO) in my presence. Appalling as it sounds, I had never even met the IO. The statement which was supposed to be my account was in fact what the IO thought was most likely to have been my narration. At this point I could have challenged the statement, but I did not. I deposed in accordance with the statement, even though technically it wasn’t mine. I was also required to identify the driver who I had briefly seen 16 years earlier. Under such circumstances, if I had not cooperated with prosecution, I could theoretically have been declared a hostile witness.

India has an estimated 46 per cent conviction rate under the Indian Penal Code, with Kerala having the best conviction rate of 84 per cent and Bihar the worst (10 per cent). The events I have recounted partially explains why the conviction rate is so low in many states.

In the Sohrabuddin case, many witnesses gave statements contrary to what they had previously recorded, and many contradicted the investigators' claims. To briefly go over some of the facts, Sohrabuddin and his wife Kausarbi were killed in November 2005 in Gujarat. Investigations remained dormant for a year and surfaced after an ostensibly drunk policeman at a public place in the 'dry' state of Gujarat blurted out some crucial information. Since then, the ups and downs of the legal process caught the attention of the country. But what made this case unique is its investigation and trial which had important and dangerous implications for the working of the country's legal processs and the criminal justice system.

Here was a man accused of many heinous offences, from murder to mayhem, kidnapping, receiving kickbacks and extortion. He was kidnapped, transported from one state to another and then to another, and then executed in an 'encounter' along with his wife because he allegedly knew about the 'secrets' of politically powerful people in Gujarat. This was not entirely a baseless presumption because it was a fact that for a year, the two murders had remained undetected.

A crime is investigated either after it is reported to the police or if done by the police *suo motu* (or on its own). The findings are then reported to the magistrate under whose jurisdiction the police station where the crime was registered falls. The magistrate takes cognisance of the report, decides on its merits and then takes a final decision on the accusations, subject of course to challenges in superior courts—from the sessions court to the high court and finally, the Supreme Court—as to whether the case would proceed for trial or not.

The twin murders of Sohrabuddin and Kauser Bi were investigated under Geeta Johri, an IPS officer of Gujarat, for the first five years. When any investigation takes place, peripheral issues can be and are raised, and courts pass interim orders that are binding on the investigative agency. The Sohrabuddin case had its share of interim court orders. In one such intervention, the Supreme Court suspected that the investigation was being sabotaged. It, therefore, transferred the case to the CBI and later, the trial was shifted to Mumbai. Following the mandate of the Supreme Court, the CBI investigated the case in depth and arrested the men allegedly behind the murders and booked 38 persons. Significantly, they named the powerful

and influential Amit Shah, besides 15 others over and above the 22 named by Johri in the chargesheets. All this happened in 2013.

After eight years of investigation by the Gujarat police and the CBI, the trial began in a CBI court. The first judge hearing the case was abruptly transferred during the trial even though there was a Supreme Court order mandating that the Sohrabuddin trial be 'conducted from the beginning to the end by the same officer.' As already mentioned, the next Judge Brijgopal Harkishan Loya died under suspicious circumstances. The voices that were raised calling for an investigation into his death were quelled. The third judge completed the trial and delivered the judgment in 2014, which coincidentally happened to be his last judgement. He acquitted all 22 accused.

At the end of the saga, the CBI was left with a bloody nose. The Special CBI Judge SJ Sharma blamed the CBI for carrying out a politically motivated investigation. He said: 'The CBI had before it a premeditated theory and a script intended to implicate political leaders.'

The court did not even consider the pertinent point made by the criminal lawyer Majid Memon that the witnesses were won over during the long course of trial.

Special Judge Ajay Goel said in a recent judgment (reported on 6 January 2019 in *The Indian Express*), while acquitting three persons charged with attempt to commit culpable homicide: 'Once again, here is a case which has fallen flat not due to any lapses in the investigation or any effort in proving the case by the prosecution, but due to the hostile trend of witnesses prevalent in society.'

Many investigations are failing in courts due to the witnesses turning hostile. It is clear that witnesses can be 'won over' to sabotage investigation and help criminals.

How does a trial proceed? At first, the trial court weighs the statements of the witnesses (recorded under Section 161 of the Criminal Procedure Court by the police) to determine whether or not the accused should face trial. These are unsigned statements of witnesses and the investigating officer records certificates that he has read over statements made by witnesses and these have been faithfully recorded as narrated. When the trial begins, and the statements recorded and produced in court are believed, the judge starts the trial. However, in the box, witnesses may deny making

the statements attributed to them. What the witnesses say on oath in court are the versions that eventually determines a court's finding. Even the IO tells the court on oath that the witnesses had stated what he had recorded, and they confirm these when he reads out their statements to them. But the Indian judge gives credence to what the witness says.

The average Indian policeman was not trusted during the British days, and he is not trusted till today. This is a sorry state of affairs. Undoubtedly there are police personnel who coerce, use third degree methods of torture, concoct and pad up evidence. But there are honest people in the police service as well. Stories of atrocities by police personnel hog headlines in the media. The average citizen has little trust in the police. Yet, by default, a witness is invariably trusted even when he lies under oath. We as a society have to ponder hard about how to improve the criminal justice system so that the truth is upheld.

An important reason why many in India have lost faith in the system is because many police personnel worked at the behest of their political bosses. This has happened for several reasons. When a provision was made that a statement or a confession made to the police is legally admissible as evidence under the TADA, this was abused by some police officers to implicate innocent people. The country's lawmakers conveniently allowed the TADA to lapse. In my opinion, this was a knee-jerk reaction, not a solution at all.

In the US, if any statement made before the Federal Bureau of Investigation (FBI) is found to be false, the concerned person invites a prison sentence. Such a Damocles Sword is necessary in India as well, I think. Instead of furnishing unsigned statements, witnesses should be legally compelled to provide only signed statements to which they are bound. Narco and polygraph tests could be used to deter the police as well as witnesses from giving false statements. In order to achieve this purpose, the Criminal Procedure Code (CrPC) will need to be amended. This may not be easy but there should be an end to situations where witnesses are declared hostile in trial courts.

We could perhaps adopt the methods followed in Singapore which has a similar criminal code as ours. In that country, the public prosecutor tests each witness before she or he appears in court and before the police can file a chargesheet. This double-check helps ensure that both the witness and the

prosecution are on the same page. One more safeguard is writing and/or printing two sets of a statement in original and keeping one sealed in a neutral place. If a dispute arises on the veracity of the statement, this copy could be used by both the investigator and the witness. Recording video statements would also be useful in this regard.

We must examine the underlying reasons behind the trend of witnesses turning hostile that has sabotaged hundreds of thousands of cases in India. Section 25A of the CrPC provides for the setting up of a Director of Prosecution (DP). This person and the body under him should seek separate investigations into whether a witness has turned hostile because of threats, coercion or allurements. This issue will be elaborated upon later in this book.

A year before my retirement, in an unprecedented step by a serving officer of the CBI, on 17 April 1995, I wrote an article against the criminal-politician-bureaucrat nexus in the Op-Ed page of *The Times of India.* This was a time when the CBI was getting very bad press due to its failure to properly investigate or prosecute politicians involved in the Bofors Scandal and the Securities Scam. At an internal conference of CBI staffers, I suggested that we should open up to the public much more than we were and inform them about how we work and the challenges we face.

My outburst attracted attention. The Hindi language sister daily of *The Times of India,* the *Navbharat Times* carried an editorial on 26 April 1995, referring to my article while the leading Bengali daily, the *Anandabazar Patrika* expressed surprise that a serving public servant could suggest that bureaucrats are in cahoots with crime syndicates, that they have incestuous relationships with their political masters and can be active abettors of crime. In return, such bureaucrats are not only protected but also rewarded in the form of promotions, plum postings, extensions of tenure, gubernatorial appointments, out-of-turn assignments that are ‘lucrative’–in the process, such civil servants wield inconceivable clout in the corridors of power and, of course, filthy lucre of an unimaginable scale. I ended my lament with a hope that sooner rather than later the country’s electorate would revolt against this nexus and oust the corrupt from their cushy positions.

People’s revolutions have happened from time to time, but nothing seems to have changed on the corruption front that is a consequence of nexus between politicians and bureaucrats facilitated by government

officials. Twenty three years later after my article was published, in September 2018, referring to the report of the NN Vohra Committee set up to study the criminalisation of politics, the Supreme Court noted that criminal networks were running parallel governments. It observed: 'Criminalisation of politics was felt in its strongest form during the 1993 Bombay serial blasts which were the result of a collaboration of a diffused network of criminal gangs, police, custom officials and their political patrons.'

Readers would recall how the CBI under me investigated the 1993 Bombay Blasts cases, an investigation that I am justifiably proud of and believe that it was one of the best investigations the CBI has conducted.

Corrupt bureaucrats continue to protect criminals, be they terrorists or financial fraudsters, even after Narendra Modi came to power on an anti-corruption poll plank aided by a people's movement led by Anna Hazare. In April 2011, the social activist led lakhs of people to the Ramlila Maidan where he sat on an indefinite hunger strike demanding the setting up of a Lokpal, an independent anti-corruption body along the lines of the ombudsman system prevalent in countries like Sweden. Hazare ended his fast on an assurance from the UPA government that it would enact the Lokpal and Lokayuktas Act, which was passed in both Houses of Parliament in December 2013 and on New Year's Day in 2014 the bill received the assent of President Pranab Mukherjee. Drafted by Justice N Santosh Hegde (former Supreme Court judge and Lokayukta of Karnataka), Prashant Bhushan (Supreme Court advocate) and Arvind Kejriwal (then an activist who deployed the Right to Information (RTI) Act), the new law provided for the establishment of a Jan Lokpal that would initiate and carry out swift investigations into acts of corruption by top persons holding public offices without having to wait for the government's prior permission.

For someone who had made so much noise about corruption before the elections, Prime Minister Modi should have had the setting up of the Lokpal on top of his list of priorities. Far from that, it was revealed in an answer to a RTI application that under the chairmanship of Modi, the selection committee of the Lokpal met for the first time only in March 2018—45 months after the BJP-led NDA government came to power in May 2014. Why was there such an inordinate delay in taking forward the task started by the UPA government?

During the 2014 general election campaign, Modi and other BJP leaders had repeatedly claimed that once they came to power, corruption would be eradicated and strict action taken against corrupt officials at all levels. Far from fulfilling these poll promises, Modi's own name has been dragged into two of the biggest scams in recent times—the bank fraud by diamond merchant Nirav Modi and the Rafale aircraft deal (which has already been detailed earlier).

On 31 January 2018, income tax officials raided celebrity diamond jeweller Nirav Modi's offices in Delhi, Surat and Jaipur which were already under the Income Tax department's scanner. On 5 February, the CBI charged the jeweller in a huge cheating case. An FIR was registered against him, his brother Nishal Modi, his wife Ami and his uncle Mehul Chinubhai Choksi for criminal conspiracy and cheating causing a loss of ₹280 crore to the exchequer. Within days, the government-owned Punjab National Bank (PNB) filed a complaint with the CBI claiming that its own officials had violated rules by providing illegal guarantee documents to help the jeweller and his associates secure credit from banks abroad. According to the PNB, the fraud amounted to a staggering ₹11,000 crore.

The news shocked the nation. It was possibly India's biggest bank fraud ever pulled off by a blue-eyed businessman and a high-profile socialite whose products were popular with movie stars in Hollywood and Bollywood alike. In a country where persons belonging to the middle class feel burdened by taxes, where farmers are committing suicide for not being able to pay off loans of relatively small amounts of money, such a massive fraud in the nation's second largest public sector bank was no less cruel a crime than a violent act of terrorism. The shocking part of the scandal was not the crime itself, but the fact that on 23 January that year, a few days before the fraud was uncovered, Nirav Modi had been photographed brushing shoulders with none other than Prime Minister Modi as a member of a delegation of Indian corporate leaders who were in Davos at an annual meeting of the World Economic Forum (WEF), said to be the world's biggest conclave of business leaders. That was not all. A video that went viral on the social media recorded the Prime Minister speaking at a gathering of the rich and influential persons on the occasion of the launch of the Gold Monetisation Scheme at his residence in 2015, referring to Choksi as 'Mehul bhai,' indicating his proximity to, and comfort with, the scamster.

Both Nirav Modi and Mehul Choksi had fled the country, apparently to evade the law, a short while before the scam was detected.[45] Choksi is reportedly in a Caribbean island while Nirav Modi is behind bars in the UK.

Another tycoon, Vijay Mallya, known for his flamboyant lifestyle, is also in the UK at the time of writing. This man, who lived life king-size, is wanted by the CBI for a ₹9000 crore loan default. He fled from India in March 2016. The CBI has been making efforts to bring him back to face legal proceedings. After a particular court hearing, speaking to journalists, Mallya dragged Finance Minister Arun Jaitley's name into the corruption scandal by claiming that before leaving India he had met the minister to 'settle the matter.' Incidentally, Mallya happened to be a member of the Rajya Sabha, the Upper House of Parliament. He was elected to the Rajya Sabha as an independent member twice from his home state of Karnataka—first in 2002 with the support of the Janata Dal (Secular) and Congress and then in 2010 with the support of the Janata Dal (Secular) and BJP.

After Mallya made his claim, Opposition parties pounced on the government alleging that inspite of knowing Mallya's plans to leave India, Jaitley did not initiate any action against him suggesting that there may have been a *quid pro quo* of sorts. The minister obviously denied the charges but the public perception remained—the government was not to trusted. But a question remains in the minds of ordinary people: Why has the government not shown equal enthusiasm in extraditing Mallya and Nirav Modi?

The Way Forward?

On 3 February 2019, there were unprecedented dramatic scenes in Kolkata in front of Police Commissioner Rajeev Kumar's residence. Over 35 officers of the CBI had reached there to arrrest him. It was highly unlikely that the security guards at the residence of a high-profile person like him would allow a group of men to suddenly barge in. The Kolkata Police did not let the CBI team in. They went a step further and detained the CBI officers, put them in vans and packed them off. What a spectacle that was: here is a team from the country's premier investigation agency which comes to the residence of the police chief of a major city and ends up humiliated by getting arrested themselves! Never has something like this happened in

India. Once again, the CBI lost face and its image took a beating in the eyes of ordinary people.

Within hours of the drama, West Bengal Chief Minister Mamata Banerjee herself reached the Police Commissioner's residence and stood like a wall guarding Kumar. A slew of allegations were soon exchanged between the CBI and Mamata Banerjee, each accusing the other of corruption, wrongdoing and non-cooperation in investigations.

There had been many showdowns in the past between policemen (who owe allegiance to state governments) and officers of the CBI (who work under the Union government). These two sets of people have often had a bitter-sweet, love-hate relationship between them even when they are required to work in tandem with mutual respect for each other's unique skills and expertise that have to transcend individual egos. Both are equally important and need to complement each other, and differences of view should be internally settled behind closed doors. Never in my decades of service has there been such an unseemly showdown between the state police and the CBI in full public glare.

The Kolkata incident is a sign of the depths to which the CBI as an institution has descended. Can the CBI's image sink further? More importantly, what is the way forward from here? What is the future of the organisation? Or, will the CBI, to use the words of Abhinav Kumar, a serving IPS officer writing in *The Indian Express*, remain in the throes of 'a culture of servility,' an 'emasculated and politicised force' or worse, the 'police are simply bounden servants of government of the day?'[46]

Well, I don't know the answer to these questions. Nevertheless, I will attempt to draw a vision for the CBI and outline what I believe are urgent reforms that are needed. I also realise that I will not be the first person and neither the last one to suggest these reforms.

1. **Legal Status to CBI:** In the second chapter of this book, I explained how both the CBI and CVC started with executive orders. The CVC got its legal status only in 2003, and the CBI still does not have one. Without a CBI Act, the CBI Director and other officers would continue to be under the administrative control and supervision of the Department of Personnel Training, which is currently headed by the

Prime Minister's Office. Under the circumstances, the CBI Director would invariably be the PM's person.

2. **The setting up of Jan Lokpal** and placing both the CVC and the CBI under it is non-negotiable—this is the first step towards eradicating corruption but we in India are yet to make this first move. The system of an ombudsman was created more than a hundred years ago in Sweden and has given that Scandinavian country a corruption-free government, by and large. Years ago in 1963, with a similar vision, Congress MP Abhishek Manu Singhvi's father, the late Lakshmi Mal Singhvi, suggested that a Lokpal be set up but the country has struggled for over 60 years to make it a reality. Think of the Rafale deal. Had there been a Lokpal, an enquiry could have started long ago. The CBI should only report to the CVC and both organisations should be under the ambit of the Lokpal. When the institution of the ombudsman could be so successful in Sweden, there is no reason to believe that the Lokpal will not be effective in India. A truly independent Lokpal has the potential of becoming the nemesis of the corrupt and a saviour for the innocent; and there is no dearth of honest, competent and impartial people in the country to make the institution of the Lokpal effective.

3. **Appointment of the CBI Director:** The way forward to make the CBI truly independent and vibrant has to be through its chief or its Director. There will always be interference in the working of the organisation but a strong and fearless leader with the necessary legal backing and structural protection can do his job without intimidation. The IO is the other important leader whom the structure must protect and support. Thorough investigation and sharp monitoring of the trial are the two important duties the IO must discharge. When a high-profile case is being investigated, any political interference can be countered head on if the CBI officer is confident that he is on the right side of the law. The officers have to be reminded that the law is their boss, not political leaders.

Thus, I believe that the CBI as an organisation should not be condemned but its leadership. The early leaders of the CBI made all the difference in setting up a world class investigative agency. One would like to digress a little to remember them and honour them here.

The first name to remember is that of Qurban Ali, a DIG, who converted a band of officers from the Sindh Police into this fearsome force. Then there was a Bombayite (Mumbaikar) who gave the DSPE an impetus. The real credit for building the CBI, however, goes to DP Kohli who headed it for 12 years between 1955 and 1967, first as Inspector-General, DSPE and then as Director, CBI. He was a visionary, an extremely hardworking person and a man of spotless personal integrity. He was the creator of the CBI in every sense. The mixed cadre system was his vision along with that of Prime Minister Lal Bahadur Shastri. Kohli brought in honest officers and kept the flamboyant types out. He chose officers from states and recruited them on a permanent basis. Under his aegis, the CBI was formally structured with an elaborate manual. Unfortunately, soon after his retirement, the rot started setting in.

During the tenure of the second CBI Director FV Arul, who was in office from 1968 to 1971, politicians in New Delhi started dipping their dirty fingers into the CBI jar. They tried to assert their authority over the organisation and send out a message that certain politicians were above the law. Following the Aiyar Commission's report on corruption against ministers in the Bihar government headed by KB Sahay, Arul raided some of them. Prime Minister Indira Gandhi abruptly repatriated him to Tamil Nadu. The post of the CBI chief was tossed around with every change in the political dispensation. Devinder Sen, who held office as CBI Director from 1971 to 1977, ended up undergoing imprisonment for his 'excesses' and faced allegations of corruption for some of his actions during the Emergency period (June 1975 till March 1977) allegedly at the behest of the Prime Minister.

During the Janata era, Sen's successor PV Narasimhan became the CBI chief. He was a brilliant officer, but the arrest and subsequent release of Indira Gandhi ended his tenure prematurely. Then, John Lobo steadied the CBI boat. He was an old hand in the organisation and better equipped to steer it. RD Singh, despite his clean reputation, had to leave after seven months after Indira Gandhi returned to power in January 1980 because he had investigated cases against her administration relating to alleged misdemeanours that were committed during the Emergency. He was succeeded by JS Bawa who helped the then Prime Minister 'survive' the criminal prosecutions launched by the CBI under RD Singh. Her assassination in October 1984 saw Bawa being shunted out and in his place

came Mohan G Katre from Mumbai. He struck a chord with Rajiv Gandhi and with Home Secretary RD Pradhan and Cabinet Secretary BG Deshmukh—both from the Maharashtra cadre like him. During Katre's tenure, the CBI also became an anti-terrorist force, expanding its operations by setting up two cells, one for Punjab and the second for other border areas.

Thereafter, successive central governments had short tenures and so did the CBI Directors—AP Mukherjee (three months), Rajendra Shekhar (less than a year), SK Dutta (one year). This was indeed unfortunate as all of them were imbued in the culture of the CBI with long stints in the organisation. Had they stayed longer, the CBI would have gained. Dispensing with the need for a Director to have a background in the CBI, both Vijay Karan (who headed the CBI in 1990) and Vijay Rama Rao, despite having no prior experience in the organisation were placed at its helm. Although the latter took some good administrative initiatives, he lost his credibility because of the way the CBI botched up the investigations into the Jain Hawala Diaries and the ₹133 crore Urea Scam in which the kin of Prime Minister PV Narasimha Rao had been favoured. Rama Rao destroyed the CBI's image by converting it into a hub for 'bounden servants of government of the day' and that is how it remains, culminating in the unseemly acrimony between the top two officers of the CBI, Alok Verma and Rakesh Asthana, each accusing the other of corruption.

The historic Vineet Narain judgment[47] was a major step towards reforming the CBI. Unfortunately, in my opinion, the mandate of the Supreme Court resulted in the appointment of directors who only further tarnished the reputation of the CBI. Politicians in power dictated the appointments of the heads of the organisation. My recommendation is that the CBI chief should be recruited through a transparent process which should be open to inquiries under the RTI Act. An objective and a mathematical model should be evolved for the selection process, with weights given to seniority, experience in the CBI and anti-corruption investigations, and, above all, personal integrity.

Here is the outline of such a model:

- The year of allotment of the senior most eligible candidate should be given 10 marks and scaled down progressively, like those in the 1967

batch could be given 10 marks and those in the 1970 batch would get 7 marks.

- Experience in the CBI would be given 5 marks for each year served, while the service in state anti-corruption bureaus, vigilance bodies in state/central organisations, commissions of enquiry, and expertise in auditing, could be given 4, 3, 2 and 1 mark/s respectively for each year served.
- Ten years of consistent integrity can be assessed by allotting marks for each year and then taking the average—'impeccable' integrity can be given 10 marks, while 'beyond doubt' would get 9 marks and 'nothing adverse' could be given 8 marks. If the candidate's integrity is considered 'doubtful' or 'bad' the marks given would be very low or even zero.
- Since entries in annual confidential reports (ACRs) can be subjective depending on the proximity of the officers being assessed to the reporting officers, these reports should be cross-checked by the CVC and the CBI before the marks are finalised.
- Appreciation letters and recommendation certifications of the government cannot be ignored and could be given one mark.
- Based on an overall assessment of ACRs over a period of 10 years, a candidate considered 'outstanding' would get 10 marks, 'very good' would get 8 marks, while 'good,' 'average' and 'below average' would be given 6, 4, and 2 marks respectively. An 'adverse' ACR would fetch 2 negative marks.
- The final list of officers in the panel for the selection to the post of Director CBI would be thus constituted in an objective and transparent manner reducing the scope of discretion and political interference.

Once a Director is appointed following an objective merit-based system, her or his tenure should be fixed so that the chief can take up cases without worrying about whether her or his term would be suddenly terminated. This norm should be applicable for the heads of both the CBI and the CVC. The process of recruitment should be transparent and open to inquiries under the RTI Act; certain information may be withheld on a case by case basis but no blanket cover on furnishing information should be provided. There should be a mixed cadre system—the CBI should be led by a combination

of officers who have been either directly recruited by the UPSC (and hence, would be aloof from political interference) or sent on deputation from state police forces. This would be a balanced approach, and result in a healthy exchange of knowledge, expertise and learning.

There are other reforms that are urgently required and these are outlined here.

Anti-corruption laws need to be reviewed and reformed. India drafted its first law against corruption in 1947. A revision of that law was done in 1988. It stood like the proverbial Rock of Gibraltar till three decades later in 2018 when the government brought about significant changes in the Prevention of Corruption Act, 1988. The amendments have drastically changed the face of the principal law against corruption. But have these changes made the fight against corruption easier or tougher?

The definition of corruption and punishment for it have been changed to the effect that all actions against present and former public servants, that is, ‘to inquire and investigate’ them will need prior permission of the competent authority (the solitary exception being in the case of a person getting caught while receiving a bribe). The change in the definition will protect the honest but also pillory the gullible and mistake-prone public servants. One of my most profound learnings in the CBI is that the weak are good fodder for prosecution, the powerful are seldom touched. Most public services are designed in a way in which the rich, the corrupt and the powerful gain while the honest are hammered. The anti-corruption law itself should not become an instrument to continue and entrench this culture.

My other concern relates to the punishment for corruption. Once corruption was not considered a heinous crime like theft, dacoity, murder and rape. So, the punishment was discretionary. It was a maximum of six months in prison. The 1988 law prescribed ‘punishment which shall be not less than six months but which may extend to five years’ but it still left scope for what Supreme Court described as ‘misplaced sympathy’ of the judges. In 1980, Supreme Court Judges DA Desai and AO Koshal had warned: ‘The court should not be oblivious to the fact that while conferring discretion in the matter of awarding adequate sentence within limits prescribed by the statute, the legislature finding cases of misplaced sympathy in sentencing process fettered the court’s discretion by

prescribing a minimum sentence and making it obligatory to record special reasons for awarding less than the minimum.'

The 2018 amendment to the law reads: '... imprisonment for a term which shall not be less than three years, but which may extend to seven years and shall also be liable to fine.' It has been a journey from imprisonment of six months or less (1967) to not less than six months (1988) to finally a minimum of three years (2018). The worrying part is that through these amendments, Parliament has again introduced the provision of prior permission which may adversely affect investigations.There is at present already a provision of sanction before prosecution and the amendment brings retired public servants (besides serving civil servants) under its protective umbrella. Permission to 'inquire and investigate' even a serious act of crime can be impeded and delayed leading to disappearance or tampering of evidence. The need for prior permission also seems self-defeating because if an IO cannot even conduct a preliminary enquiry, how will he gather relevant evidence to convince the competent authority that the public servant should be subjected to an investigation? The new law therefore needs to be revised.

There are other important reforms that are needed. The colonial-era Official Secrets Act, 1923, should be abolished or at least toned down.

Then, the CBI Director should have the power to expose, prosecute and pillory the corrupt in government administration, both civil servants and their political masters. No protection should be given to them. The cozy, almost incestuous, relationship, between civil servants and their democratically-elected rulers must be snapped.

Before concluding this chapter, a few words on the role of the media are called for. I was once reprimanded by the DGP Maharashtra, SS Jog, because I spoke to journalists. I was told that there were instructions from the Chief Minister that no information should go out to the press before interrogation of the two terrorists arrested in connection with General AS Vaidya's murder had been completed. Efforts were made to remove me from the investigation. I don't consider the media to be a 'necessary evil.' For an IO, journalists can be of great help. Instead of letting them speculate and make up sensational stories about high-profile cases, the media can be taken into confidence and limited, strategic information can be given out as this could help the investigation and also build people's trust in the CBI.

7
From the Mind of a Sleuth

We have all read about the exploits of Sherlock Holmes. Just imagine, if we could turn all those incisive thoughts running through his mind into a physical form and post them all on one big whiteboard. Well, that is what I am attempting in this chapter. These are snippets from the various cases I investigated, the assorted thoughts which helped us crack difficult cases, and some surreal memories as well. Here are 30-odd years of pop-up notes from the recesses of my mind. Some of these cases have been discussed in greater detail from an investigator's perspective in earlier chapters in this book.

More on Sikand Murder Case: 1982

The crime: The blast caused by a grenade sent in a parcel to the 98 Sunder Nagar residence of the Sikand family, owners of Delhi's famous Sikand Motors. The youngest scion of the family was murdered as the grenade blew up in his face.

The accused: A serving Army officer—a winner of the Sword of Honour and the Veer Chakra. As if that was not enough, his late father had once served in the same district of Punjab with the incumbent CBI Director's father as Deputy Commissioner and a former Superintendent of Police. The accused's mother, the CBI Director's aunt, lived in the upmarket New Friends Colony in south Delhi and would often drop in on Prime Minister Indira Gandhi at her Safdarjang Road residence.

The problem: My CBI Director was JS Bawa. It would not be easy for me to file a chargesheet against the accused.

Note: The Director was then out of the country attending an Interpol conference. I obtained the concurrence of the Acting Director to file a chargesheet.

For nine months, the Delhi Police struggled to conclude this case. As the chief IO, I took over the investigation. After three months of arduous work by a team of six officers, we honed down on the Army officer. His wife and young Sikand were in love and living together. He wanted to kill both. But on 2 October 1982 at 5 pm, Sikand was alone in the bedroom and died in the blast.

Note: The head of my organisation was under pressure to exert his influence on the outcome of the investigation. He wanted to stay away from the case. His trip abroad came at a convenient juncture. How did I know that? He was normally reticent and a non-interfering sort. However, in this instance, his behaviour was different. More bad news followed. Another Sikand brother committed suicide leaving a note to his wife that suggested she should tell Mr Sen '... to get Jeeti.' I was right on top of the case. I knew who was guilty, but I still needed clinching evidence. I was interrogating the Army officer, but Director Bawa intervened. Was he trying to interfere? Not really. My boss was asking me questions, lots of them. He was trying to ensure that I had followed the CBI drill to the last letter before calling a serving Major of the Indian Army for questioning. The CBI Director was trying to help.

I fast-tracked the preparation of the chargesheet before Director Bawa returned. How? The Army officer had been arrested and interrogated. We had conducted search and seizure raids and recovered clinching evidence linking him to the crime. He would have to face trial.

The question: Could I put him up for trial while he was still in judicial custody? The law allows just 90 days of custody to complete investigation after a person is arrested and if the chargesheet is not filed within this period, the accused is eligible for bail.

Logistical nightmare: The paperwork required was enormous. Before we filed the chargesheet, we needed a final report, the first part of which would meticulously record the investigation carried out till then by the main IO, a detailed analysis of the evidence, its strengths and weaknesses and the arguments why a chargesheet was warranted. On the basis of this crucial document, the prosecutor would make his case. He would then put together another report, called Final Report Part 2, that would add to the analysis. Thereafter, the main IO, the SP—me—would have to present our recommendations precisely. Starting with me, we would need a stamp of

approval from all the officers in the heirarchy: the DIG, the Special IG also called the Joint Director, and finally, the IG himself, that is, the CBI Director. Along with the chargesheet, copies of all evidentiary material, oral and documentary evidence, together with exhibits were required to be filed in the trial court.

It's easy to lose count of the number of steps that are required to be completed and we had barely three months with us. We swung into action and met the deadline. The chargesheet was filed within 90 days, before the Director returned to India. I don't know for certain but I guess that the then CBI chief Bawa told his aunt that he did not take the decision of sending her son to trial! This is the first time I am stating what I just have about the Sikand murder case.

The Gold Mohur Chase: 1987

If you are a fan of the film *Pirates of the Caribbean* or have been fascinated by the story of buried gold in Robert Louis Stevenson's *Treasure Island*, you would know the charm that gold coins hold in the popular imagination. During Mughal rule in India in the 16th century, European travellers who came here returned with fables of large gold coins with the ruler's name inscribed on them together with Arabic verses. By the late 20th century, only two such coins were known to have survived. But nobody knew where these coins were. Under my leadership, a CBI team conducted an in-depth investigation to find out where the two lost giant gold mohurs worth $18 million were located. Like ancient treasures lying at the bottom of the ocean, those two coins might still be somewhere and there may well be mysterious untold stories about them.

In September 1987, the Indian High Commission in Great Britain alerted the Indian government that two giant gold mohurs—one of them minted by Jahangir in Agra in 1633, weighing 11,935.8 gm and measuring 20.3 cm in diameter, and the other gold mohur weighing 1,094.5 gm measuring 9.7 cm in radius that was minted by Shahjahan in 1639 at Lahore —were going to be auctioned in Geneva in November that year. These were the world's largest gold coins ever minted. The mohurs belonged to Aurangzeb and had been passed down through many generations before coming into the hands of the Nizam of Hyderabad.

According to the *Historical Studies of Mughal Numismatics* by HS Hodiwala published by the Numismatic Society of India in 1923, the coins were presented to the Nizam by the Mughal emperor because he came to the aid of Prince Muhamad Azam who was then besieging Bijapur. In 1948, when Hyderabad acceded to India, the coins were believed to be in the possession of Nizam's descendant Mukarram Jah—the titular Nizam of Hyderabad. But the list of private properties of the Nizam which were prepared at the time of accession did not mention the coins that were, by default, the property of the Indian Union. It was, therefore, incumbent upon the government of India to protect and preserve these coins under the Antiquities and Art Treasures Act, 1972.

The mohurs were pledged by the grandson of the Nizam, Jah, who was then living in Perth, Australia, to the Banque Indosuez located in Geneva, Switzerland, as guarantees for loans amounting to 9 million Swiss francs that were sanctioned to Crestalor Services SA Panama and Tamarind Corporation, British Virgin Islands, two firms owned by Jah. The companies had taken a loan to establish a sheep-rearing farm, but the venture failed and Jah almost went bankrupt. According to correspondence between the bank and him, as on 28 June 1989, he owed the bank a sum of 10.2 million Swiss francs. Meanwhile, the CBI had lodged a regular case in November 1987 to get these gold mohurs back to the country since they were national property.

While the CBI was trying to find out where the coins were located, clues came from a Kolkata-based homeopathic doctor-cum-chemist Dr Partha Banerjee. He confirmed that both coins had been put up for auction on behalf of Banque Indosuez by Hapsberg Feldman SA at the Mega Hilton Hotel in Geneva on 8 November 1987. We were informed by other sources that the coins remained unsold as the reserve price was 9 million Swiss francs and the auction price froze at 8.5 million Swiss francs. Banerjee had gathered this information from his German friend Dr Geza Bon Hapsburg, chairman of the firm of auctioneers, with whom he had forged a friendship in the early-sixties. Their common interest in antique coins came in handy for our investigation.

We got information that Hapsburg had visited India and Dr Banerjee was his point of contact. From the registers of the Grand Hotel in Kolkata and the Oberoi Hotel in New Delhi, it was confirmed that he had indeed

visited India in March–April 1988 and that his hotel accommodation had been booked by Banerjee. Hapsburg had sought Banerjee's help to find buyers for the coins, preferably the Indian National Museum. Banerjee had tried to help his Swiss friend but then the CBI was already on the job to get the coins that are considered stolen antiques. The information provided by Banerjee confirmed that the two ancient gold mohurs had indeed been pledged by Jah to the Swiss bank after illegally being taken out of India.

We still had many loose ends to tie up. Investigations had to be carried out in Canberra and other places in Australia. The government deputed me —then a DIG—along with IO RK Saran, a DSP, to go there to question Jah. However, much to the annoyance of Saran, I decided not to go to Australia. I sensed that the West Australian Police, which had jurisdiction over Canberra, would be reluctant to assist us in our investigation. Although the CBI Director said he would bring the coins back to India, the fate of the two largest gold coins in the world remains uncertain and unknown.

General Vaidya's Murder: 1986

There were two major direct consequences of Operation Blue Star inside the Golden Temple complex in Amritsar. On 31 October 1984, Prime Minister Indira Gandhi shot dead by her own security guards. On 10 August 1986, former Chief of Army Staff, General AS Vaidya was killed in the Pune cantonment area by terrorists from Punjab.

They kill, you kill. An atmosphere of retaliatory violence was everywhere. Are we supposed to have sympathy for one group over another? I am not sure. To me, a crime is a crime. In this instance, the unfortunate death of Gen Vaidya could have been prevented. He was an honourable soldier, someone who the nation was proud of. He could have lived but for a security lapse. Here is the story.

I took over the investigation of Gen Vaidya's murder on 16 August 1986. What was the first thing I found? A book. Yes, a detective novel at that. It turned out that three months earlier on 3 May, a flat in Mumbai's Antop Hill had been raided by the police. They did not find anything in the apartment because the terrorists from Punjab who had used the place had by then fled their hideout. But they must have left something behind—even when you vacate a flat you do leave some stuff behind, things that are

considered useless. They, in fact, did leave something behind, something the police in Mumbai and Pune probably considered useless. Otherwise, I would not be telling you this unfortunate story.

A 1978 novel by spymaster Ken Follet titled *Eye of the Needle* was lying on a corner table in the room. On a page of the book, the licence number of a car had been scribbled down: DIB1437. It was a Delhi number—a white Maruti 800 car had been registered in the name of Bhanumathi Vaidya in that number.

After retirement, Vaidya had settled down in Pune with his wife Bhanumathi. Every weekend, he took his wife's car and drove her down to the market for grocery, household provisions and his favourite kebabs. He was an awkward driver as he had not driven for years. But after retiring, he was compelled to become a driver with a solitary gunman as companion, Head Constable Ramchandra Kshirsagar. Could he not have been given better and more security? Should the country's intelligence agencies not have known that he was on the hit list of the terrorists from Punjab?

On 10 August 1986, as his Maruti 800 slowly entered the Pune Cantonment road, an IndSuzuki motorcycle with a pillion rider drove up to his car. Vaidya was hunched over the steering wheel. A careful driver, startled by the motorcyclists coming too close to his vehicle, he panicked a bit and shouted at them to get out of the way. An equally startled Mrs Vaidya was sitting by his side on the front. She saw the black nose of a pistol, heard it being fired and saw smoke coming out of the nozzle. The car slowly veered to the right and glided down the embankment. Vaidya had slumped on the steering wheel. The motorcycle had sped off. Kshirsagar emptied his revolver after a delay as he took some time loading it. By then, the motorcycle was some distance away. The general was carrying a loaded pistol himself. But it was too late.

The two terrorists—Sukhdev Singh, also known as Sukha, and Nirmal Singh—had committed a string of bank robberies, murders and car thefts in Mumbai after finding a safe apartment for themselves on Antop Hill. The Bombay Police had been looking out for them since February 1986. They had noted down the number of the car they had to follow on the page of a book. But the police had not realised this.

The two terrorists wanted in several crimes were arrested within a month under dramatic circumstances—on the Pune-Mumbai Highway near

Pimpri—that too, by sheer chance. The CBI, the Pune Police and the Intelligence Bureau had worked in close coordination with one another. But the Bombay Police was upset with me because I had spoken to journalists, as already mentioned in this book. The police chief and the Chief Minister who had issued instructions that journalists should not be spoken to, did not realise that investigating the activities of terrorists was not same as investigating crimes like rape and murder. These were not ordinary criminals. They had already committed a series of crimes.

I held a press conference and provided limited publicity to the case for three reasons: (i) to exert pressure on the suspects by letting them know that they were wanted and that a nationwide search had been launched; (ii) alert the public regarding the activities of this gang to possibly obtain information from ordinary citizens; and finally (iii) put the police on high alert.

I sometimes wonder if we are really super-sleuths or just ordinary individuals who got lucky breaks. Readers can judge for themselves. There were six of us in the team to nab the killers—I, in the position of DIG, along with the SP and four inspectors from the CBI's newly-instituted Anti-Terrorist Cell that was popularly called the Punjab Cell. We considered ourselves top-notch in detecting clues and evidences. But were helped by a fortuitous skid of a bike!

The first day of the ten-day celebration of the Ganesha festival in Maharashtra is a major event. That year the day fell on 7 September and what an eventful day that was. Policemen in every station in the state, including Pimpri, were on alert. An armed sub-inspector with a team of policemen were ready with a jeep to move at short notice. Sukhdev and Nirmal Singh reached Pune late that night and under the cover of darkness, entered the Army Colony of Salunke Vihar heading for a house that they had rented from a Major in the Indian Army who was at that time serving in Chandigarh. Although the police were supposed to keep an eye out for unverified tenants, the two arrived unnoticed. Good luck? They collected their weapons, ammunition and some clothes and then got on to a motorcycle for a long drive along the Bombay-Pune highway. Near Pimpri, their motorcycle skidded after it tried to overtake a speeding truck. And as they fell down, their arms flailing, their weapons slipped on to the ground. Bad luck?

A slightly tipsy telephone operator who was on his way back home after celebrating the arrival of Ganapati spotted the two on the ground and also noticed the guns that had fallen. A sober man may perhaps have just gone away without getting into the hassles of lodging a report with the police. But our half-inebriated telephone operator walked straight into the police station at Pimpri, narrated what he saw and particularly emphasised the fact that he saw guns that had fallen on the ground. And the wonder of it all, he was taken seriously by the police!

By the time the police came to the place where the accident had taken place, the two had fled the scene leaving behind the motorcycle. They had rushed to the railway station. An encounter ensued. Sukhdev alias Sukha tried to shoot his way out. But his revolver—that had earlier been used to kill Professor MM Tiwari, GS Manchanda and, of course, General Vaidya, refused to respond. It had got jammed. Four courageous policemen jumped on top of him, pinned him down and soon thereafter, he was behind bars. Luck? Efficiency? Or a bit of both?[48]

Another Lucky Breakthrough

It still boggles my mind to recall the way we found a clue that enabled us to achieve a breakthrough in the investigations into badminton star Syed Modi's murder. We had hit a blind spot. We had no clue as to who would want him dead. SP AW Digwekar was hanging around the scene of the crime. He heard numbers being called out: 1498, 3497, 7657. Digwekar was most curious. He noticed a bunch of workers and rickshaw-pullers were calling out sets of four numbers and placing bets. An odd game, it certainly was. As a car approached the gate of the KD Singh Stadium, outside which Modi had been gunned down, the four numbers of the registration plate would be shouted out. Whoever's number came close to the number of the car would win the amount pledged as a wager.

Digwekar wondered if these people had placed similar bets on the number of the vehicle that had been used to perpetrate the crime on the day of the murder on 23 July 1988 at around 7:45 pm. Amazingly, the SP succeeded in getting a rickshaw-puller to remember the number of the car used by the killer of Modi. It was 1959. However, he did not remember the letters on the registration plate of the car. The gamble was only about

numbers. In other words, the state in which the car had been registered was not known. Still, Digwekar persevered. Then came the lucky part. The Uttar Pradesh Police found a WagonR numbered HYG 1959 parked in the Hazratganj Police Station in Lucknow. What was the car doing in the police station? It was a chance detection as the vehicle had jumped a traffic signal and the driver did not have any ownership document. This opened up the investigation, and eventually, all the seven persons accused of murdering Modi were prosecuted.

Love, Passion and Crime

In all honesty, I took Ameeta Modi into custody more for her safety than anything else. I felt that given the type of man that Sanjay Singh was, he could have bumped her off too. She knew too much. Though his complicity in the crime could never be proved in court, as I have already detailed, I still believe that both of them had planned it together. Ameeta did not, of course, know about the exact date of the planned murder, or perhaps those who were involved in the crime. One may ask why despite the court verdict, I remain convinced that Modi's murder was a crime of passion. This was on account of the treasure trove of information found in my sudden search of their residences. Ameeta's diaries contained pages after pages of outpourings of love for Sanjay. He had carefully preserved them and protected them from the eyes of his wife Garima. It was a strange and heady kind of love. In letter after letter, she expressed how smitten she was, how her heart throbbed at the mere receipt of his letters in the post and how she yearned for his phone calls. And all this time she was with Modi, the two of them together undergoing training for a tournament. In her letters, Ameeta would inform Sanjay about her days with Syed and also ask about Garima, requesting Sanjay to convey her regards to her.

In one of the letters that were written in Hindi, Modi berated Ameeta for being unfaithful to him and wrote about how he wept profusely. He wrote about how he wanted to commit suicide. One letter said it was his last letter to her. Over and over again he talked about leaving the world, wishing her happiness. Did he have a premonition of his death?

From Sanjay's palace—he was heir of the Raja of Amethi—we found another prized bit of evidence: Garima's letter to Sanjay. She was bitter and

upset with his infatuation for Ameeta, the wife of another man.

Despite all the evidence against Ameeta and Sanjay, the trial court, the high court and the Supreme Court did not uphold the charge of murder of Syed Modi against them. I believe that both of them should have been charged. Sanjay and Ameeta are now married to each other and both are still active in politics. Garima, Sanjay's first wife, who went all the way up to the Supreme Court to get her divorce decree annulled is still a bitter divorcee without a 'real' divorce. The family, in the meanwhile, is embroiled in protracted property-related legal wars that gets reported in the media from time to time.

Crime and Punishment

I recall a story which makes me wonder what in India is the meaning of the title of the famous novel published in 1866 by Russian author Fyodor Dostoevsky, *Crime and Punishment*.

This is a topic on which there are theories in the field of criminal law. Academics and lawyers have spent a lifetime pondering over the subject, trying to understand concepts of crime and punishment and debating issues and questions such as what action can be called a crime, how to assign culpability, how much punishment is 'reasonable' and what is the purpose of punishment. Without going into theoretical debates, from the perspective of an ordinary person, there are three main reasons why criminals must be arrested, prosecuted and convicted for their crimes. The first is to deter others from committing similar crimes. Secondly, a criminal should be given an opportunity to repent and reform. The third reason is that justice should be ensured for the victim. However, going by the way our judicial system runs, justice for the victim has got relatively little attention.

I cannot claim that I was always concerned about this aspect of punishment although I have investigated crimes and prosecuted criminals all my professional life. Apart from attempting to solve cases and making sure my investigation reached the stage where the accused are convicted, the plight of the victim rarely concerned me except on a specific occasion.

I am changing all the names in this story because they are those of prominent persons and disclosing their identities will attract media attention. I did not name them in the past and I am not doing so now.

The year was 1972; the place was the office of the SP Economic Offences Wing (EOW) in Kolkata's Church Lane next to the high court. I was hardly six months into my job. I was ensconced in a very comfortable seat when a visitor was ushered into my office by my duty officer, a man who was far more experienced than me. He walked up to me and whispered into my ears: 'Sir, a source.'

A 'source' is what we today call a whistleblower. We had been taught during field training in the CBI that sources were most vital in our work and such a person's identity needed to be kept secret at all cost.

So, there he was: Shankar, a young and nervous man standing in front of me. I offered him a cup of tea and a few words of cheer, more to camouflage my own inexperience than to ease his nervousness. It worked and we were soon engaged in an animated conversation.

Shankar was married to Maya, the only daughter of Sabita and the late Bijoy Banerjee, and had a daughter who was just a toddler. Bijoy had just met with an untimely death in his early fifties after which Shankar and Maya moved in with Sabita. Shankar took over the task of managing the small grocery shop which was the only source of income for them. The family was never well-off and, after Bijoy's demise, had fallen on hard times. There was no whiff of an economic crime in his narration till then, until he took out a couple of letters from the United Bank of India (UBI) from his pocket. The letters had been addressed to Bijoy Banerjee informing the by-then deceased man that his fixed deposit (FD) worth ₹1 lakh was lying with the bank and should be redeemed. The plot thickened. To the best of Shankar's knowledge, neither Bijoy nor anybody else in his family had an account in the bank. A family that was having great difficulty making ends meet suddenly found out that the deceased patriarch had FDs in a mysterious bank account about which they had no idea. Shankar wondered if someone had committed a crime somewhere.

Before approaching me, he had visited the branch of the bank with the letters and was told to return with physical copies of receipt of the FDRs. Not to be dissuaded, Shankar kept visiting the bank, making himself familiar with the officers, and kept asking questions. Eventually he cracked the puzzle. A particular bank employee said he could help him solve the mystery of the FDs. Shankar roped in his mother-in-law in the probe and cajoled the officer to disclose the facts. Bijoy did, in fact, have an account

in the bank, it turned out, but it was not really under his control. At the time of opening the account, Bijoy had been accompanied by another customer of the same bank—a man who must remain unnamed, a man with enormous clout and influence, and one who was also immensely wealthy. It transpired that this person opened what we call a *benami* account in Bijoy's name. Cash would be deposited into this account every now and then. When an FD matured, Bijoy and the other customer would collect the money. The bank officer knew that Bijoy had been acting on the instructions of the other man.

Bijoy was no more, but there were still five FDs in his name. Two had matured and hence the letters from the bank. Three more FDs were to mature later. I learnt that this mysterious man was Bijoy's childhood friend. He had 'created' a medicine from palm candy that had set the market afire resulting in him earning huge amounts. What the prosperous person had been doing was abusing his friendship with a childhood friend to evade payment of income tax. Shankar had unearthed an economic offence and had come to me in the hope that something would be done about it.

Back in 1972, black money was not seen to pose the same grave threat to our economy as it now does. The EOW branches of the CBI would investigate violations of import-export laws and the Essential Commodities Act, 1955. I, as the SP, was not empowered to investigate banks or such a set of dubious transactions between two 'friends.' A bank's transactions with its clients were protected and considered confidential unless they violated the Prevention of Corruption Act. I was not sure if this was a good case. I was aware that the name of the famous businessman would have grabbed headlines if I took up the investigation. I also felt that while there would be a lot of noise, we would not be able to prosecute or convict the offender.

The Income Tax Department, however, was empowered to take up this kind of a case. It was an easy decision then for me to ring up the Chief Commissioner of Income Tax in Calcutta and brief him about what I had learnt. The commissioner was a senior official who acted with alacrity. We arranged a meeting at my office where he met Shankar and took him under his wings. He advised us to keep the matter secret.

Confronted with an economic offence, I was supposed to initiate suitable action at the earliest. But when Shankar came to me, I considered

another factor that was not in the rule book. What would this young man who had a family to feed gain out of this case? The EOW had no provision for rewarding a source. The I-T department, on the other hand, could reward whistleblowers with a handsome cut out of the money seized as tax penalty. The department's operations were successful. It collected a substantial amount as penalty and Shankar received his due reward—sums ranging between ₹50,000 and ₹100,000 for each assessment.

In 1972, a two-bedroom flat constructed by the Delhi Development Authority (DDA) was priced at between ₹41,000 and ₹71,000. A Padmini Fiat car was available for ₹8,000. Evidently, the money that Shankar had received as reward made his life comfortable. One day, six years later in 1978, I was accosted by Shankar, his wife and their little girl in the Chowringhee area of Calcutta where I was walking around with my wife. Shankar and his family appeared happy. They also looked prosperous. The enterprising man that he was, he had bought a new car and started a private taxi business. His mother-in-law was still living with the family. I realised that I had helped a man and his family lead a better life. And it did not matter that I did not gain professionally by pursuing the case that fell on my lap and instead passed it on to the Income Tax Department so that the whistleblower could benefit.

A Bank Robbery and a Breakthrough: 1987

Here's a fun fact for today's millennials. Demonetisation cannot stop terrorism if it is funded, not by black money, but by pure white money obtained straight out of banks. This story is about bandits, not the Robin Hood types, but ones that loot-and-scoot and were dangerous. They were militant members of the Khalistan Commando Force (KCF).

On 12 February 1987, twelve of them carried out what was considered India's biggest heist at that time at the branch of the Punjab National Bank (PNB) in the Industrial Area in Ludhiana taking away around ₹7 crore, a huge amount of money back then. Robbing banks was the Khalistani terrorists' *modus operandi*—it was estimated that the same group of around twenty men had carried out 19 such robberies and also committed murders. The hardened criminals had hideouts at Jalandhar, Chandigarh and several places in Delhi, and had carried out acts of terror all over India along the

border with Pakistan, from Punjab to Gujarat. Their network extended from Bombay and Pune to Durg, Bhilai, Raipur, Calcutta and Jamshedpur. They had collected arms and ammunition in huge quantities and purchased two steel-plated trucks with concealed cabins to store the arms. The group was believed to have had associates in Sikh educational institutions like the Damdami Taksal where ₹3 crore of looted money had been stashed away. The KCF was the spearhead of the terrorist movement in Punjab.

The terrorists started their activities as brigands in 1984. They hit big-time three years later with the bank robbery. But we were able to nab them and prevented them from committing more crimes. I need not praise myself for the work we did for the then Punjab DGP Julio Ribeiro personally wrote to the then CBI Director Mohan G Katre on 26 June 1987 praising my team's efforts:

> ...I wish to place on record, my sincere gratitude to the officers of the CBI who have been entrusted with the difficult job of investigating the Ludhiana Bank Dacoity case. Mr S. Sen, DIG, Mr Murari, SP and other officers who worked very hard and with the help of uniformed police raided the various hideouts of the extremists, captured arms and culprits.

I cherish these accolades not because my ego gets a boost but what our actions achieved for my nation. The activities of the terrorists in Punjab gradually abated. It is worth recounting how we cracked the Ludhiana bank robbery with valuable cooperation from all sections. There was no political interference. And, of course, with a lot of help from a special aircraft!

As soon as the Home Ministry in Delhi handed the case over to the CBI, my unit and I were specially flown to Ludhiana. We hired accommodation at 81 Field Gunj in Ludhiana. How did we zero down on this address? When we started our investigations, I instructed the local beat police to send us a report on all new tenants within proximity of the branch of the PNB that was looted. One such place was 81 Field Gunj. But by the time we raided the place, the tenants had been altered and they fled leaving behind hot steaming food for lunch in the kitchen and several other belongings, including a loaded camera. When the roll of film in the camera reel was

developed, it turned out to be a gold mine of information. We had photographs of the terrorists, their vehicles and even copies of their false identity documents.

We seized a car and found a fake driving licence with a genuine address. That led us to Balbir Singh who had deserted the Indian Army. We recovered arms, ammunition, locker keys and cash worth ₹1,96,750. Balbir was soon arrested and he informed us about the group's false identities and hideouts. By the middle of June 1987, we had apprehended the entire group of 18 terrorists one after the other. We also gathered information about 25 associates. Our investigation was, to a considerable extent, responsible for breaking the back of the Khalistani terror movement in the state. Rajender Shekhar, then Joint Director, CBI, who later became Director, wrote in his memoir *Memories are Made of This* that this terror group had planned to bump off the leader of the CBI team, that is, me. But I survived. Otherwise, this book would not have been written.

This case created history of a different kind. Everybody living in big cities knows that whenever accomodation is given out on rent, the landlord is required to submit the tenant's name, her or his photo identity and other documents to the local police station for verification. However, this practice was not widely prevalent during the 1980s. The first terror crime investigated in Punjab by the CBI was Operation Blue Star in Amritsar in June 1984. Soon thereafter, what was popularly called the Punjab Cell under a DIG, was set up. I was the first DIG.

The states most affected by terrorist crimes those days were Punjab, Haryana and Delhi. The then Union Home Secretary Ram Pradhan set up a group of officers from these states to meet once a week in Chandigarh. As the DIG, CBI, I was convenor of the meeting and a Deputy Director from the IB would be a member. We met every week, took note of the progress made in various investigations and recorded the minutes to ensure that wherever and whenever necessary, joint action could be taken by the different police departments and intelligence agencies based in Rajasthan, Uttar Pradesh, Gujarat, Maharashtra and Jammu & Kashmir.

During one such meeting, our strategy of carrying out a massive exercise to identify all new tenants in and around the PNB branch in Ludhiana was reported. The idea of tenant verification was then adopted and implemented by the states mentioned. While surveying new tenants in a

particular area in Ahmedabad, the Gujarat police thought it was being used by terrorists. Instead, it turned out that the criminals were bank robbers who were nabbed when they returned to the rented place with a portion of the money they had robbed.

Concluding the account of the Ludhiana bank heist, the accused were tried in the TADA Court in July 1987. The trial was long drawn out and finally in November 2012, all the 12 accused who were tried were convicted and sentenced to ten years of rigorous imprisonment.

A Road Less Travelled: 1987

This story too is from the late-eighties when Punjab and other parts of northern India were convulsed by terror attacks by Khalistani groups. A preacher at the Damdami Taksal, a well-known seminary for students of Sikh tenets, who was infamous for making rabid and inflammatory speeches that incited hatred and violence, was arrested from Muktsar, a border town in Punjab. It was a breakthrough for us as the preacher had been in hiding for a long time. For questioning, he was to be brought to the headquarters of the CBI's Punjab Cell, that is, my office.

'We will not travel by road,' I decided.

Why? There had already been a number of attempts to free captured prisoners during road journeys. It was a Sunday. Winter was setting in Delhi. I was about to call the Inspector General (Air) of the Border Security Force (BSF) to make arrangements for an aircraft to travel from Mukstar to Delhi when my RAX phone suddenly rang.

[**Note:** The BSF is the custodian of planes and helicopters which central investigative/intelligence organisations may need. RAX, an acronym for restricted access exchange, is a telephone exchange in Delhi that is restricted for use by selected government officers for quick and secure communication. A call on the RAX phone had to be personally responded to or allowed to ring.]

CBI Director Mohan G Katre was at the other end of the RAX call. We had spoken just an hour ago when I had briefed him about the Muktsar arrest. It seemed he wanted to discuss something more as he asked me to come down to his office in North Block within an hour. My call to the IG

(Air) of the BSF had to wait. I found my boss in a cheerful mood. Before I could say anything, he said: ‘Bring him by road.’

By then I was an expert on the Khalistani separatist movement and I was wondering why he was issuing this peremptory order without hearing about my plan? I was taken aback but was not about to give up without an argument. He listened to me and then repeated his orders. He refused to budge from his position and added that both the then Minister for Internal Security Arun Nehru and the Governor of Punjab Siddhartha Shankar Ray were of the opinion that this terrorist should travel by road from Muktsar to Delhi.

This man was dangerous; he could be bumped off. The team escorting him would have to be armed to the teeth. I would personally lead the team. The Director, no longer cheerful but rather grim by then, nodded. ‘We will not allow him to be rescued or killed while trying to escape,’ I added for good measure.

I left his room and drove straight home. Later that afternoon, the Director’s personal assistant informed me that I should again go to his office. I rushed there and was disarmed by Katre’s beaming visage. He asked me to sit down and continued smiling for a while. I was baffled. Three minutes later, he told me: ‘Sen, send a plane to Muktsar and ensure that (he) is in Delhi tomorrow.’

I couldn’t believe my ears. I was elated inside but maintained a calm exterior. I was curious and prodded him for details of what had transpired over the last couple of hours. My boss had conveyed my views to the Minister and the Governor that the CBI would not allow him to escape and that there would be bloodshed if any attempt was made to let him escape. I had my way. The dangerous terrorist was flown to Delhi, taken into police custody under TADA, then detained under the National Security Act (NSA) and subsequently kept at a detention centre in Jammu for two years. After he was released, he became a farmer.

I can only speculate what may have happened if he had been brought from Muktsar to Delhi by road. I was ready for a bloodbath. I was willing to risk my life. But well. That didn’t happen.

RBI Governor’s Role in Securities Scandal

‘You are a liar,’ shot back Reserve Bank of India Governor S Venkitaramanan when Gurudas Dasgupta, a member of the Joint Parliamentary Committee (JPC) and MP belonging to the Communist Party of India (CPI) accused him of helping ‘Big Bull’ Harshad Mehta, the Mumbai-based stockbroker who masterminded the Securities Scam in 1991.

The high and mighty invariably escape the clutches of the law in India. And the head of the country’s central bank and apex monetary authority also got away. But some of us—the late Dasgupta and I—at least ensured that Venkitarmanan was disgraced and did not get an extension of tenure.

The scam was about how government-owned banks, led by the country’s biggest bank, the State Bank of India (SBI) with the blessings of the RBI Governor, had opened its vaults to speculators like Mehta. Even as my team was busy investigating him and arresting his accountant Khandelwal, the JPC headed by Ram Niwas Mirdha, a Congress MP, with Dasgupta a part of it, was going about its work. He later wrote a terrific account of the investigation into the scam with meticulous details in his monograph *The Securities Scandal: A Report to the Nation* (1993).[49]

Let me here briefly recount the story of how the RBI Governor was indicted, found to be in hand in glove with Mehta and eventually left in disgrace at the end of his two-year term. Alerted to the prospect of a CBI investigation, Venkitaramanan came to Delhi and specifically sought the services of K Madhavan, Joint Director, CBI, as the head of the team to investigate the Securities Scam. Madhavan was known to him. He met Additional Secretary (Finance) KJ Reddy and the CBI Director Vijay Karan who was succeeded by SK Dutta. While Karan had never worked with the CBI before heading it, Dutta had worked in all the senior ranks in the CBI before becoming its Director. Dasgupta met him, narrated what had happened and criticised the CBI for its failure to find evidence of corrupt practices among public servants who allowed stock brokers like Mehta a free hand to misuse banks’ money.

Dutta made changes. First, he retained Madhavan to investigate Mehta. Then, he brought in another Joint Director to share his responsibilities. The role played by public servants in the scam was to be investigated by two Anti-Corruption Units, each headed by a DIG based in the CBI’s headquarters. Both reported to me as I was then holding the position of Joint Director, Anti-Corruption.

Dasgupta wrote in his monograph: ‘The government-owned banks in India opened up for speculators whose dubious transactions ran into ₹13,00,000 crore: bourses soared as everybody cheered in jubilations; what was then considered a system responding to change—the booming market had attracted hordes of investors: small uninitiated money in search of a quick buck. That there was unbridled speculation—funds were coming from brokers and that public sector undertakings were placing surplus funds with the banks: and the banks were doling them out to the brokers.’

My role was to investigate why public sector undertakings were placing their surplus funds with banks through Mehta, and why banks were allowing him to speculate using their money. It became apparent that RBI Governor Venkitaramanan was calling the shots in the investigation. Having influenced the selection of the Joint Director to head the investigation team, he would meet him frequently over breakfast and be briefed about the progress of the investigations (which was steering clear of examining the role of public servants in the scandal). This worried the new Director Dutta and MP Dasgupta. Despite the RBI Governor’s attempts to steer the investigation, we found sufficient material to nail him. We prosecuted employees of the RBI, the SBI and UCO (formerly United Commercial) Bank. We also prosecuted those employees of the Oil and Natural Gas Corporation (ONGC), Maruti Udyog Limited and the National Thermal Power Corporation who we found were working hand in glove with Mehta. What was shocking was that the scamster’s mentor was the RBI Governor himself. Among other things, he helped Mehta by annulling the SBI Chairman MN Goipuria’s orders placing his account under observation. This was achieved by using the services of his henchman and the bank’s Managing Director A Mahadevan, who was later sacked.

With Venkitaramanan’s blessings, Mehta’s account was activated. Another person who worked closely with them was K Margabandhu, a former SBI official who went to become Managing Director of United Commercial Bank. He was eventually prosecuted and jailed. Dasgupta has, in chilling detail, recounted what took place in the chapter titled ‘Hand in Hand: The Collusion Story.’ I was associated with the team that worked with Dasgupta to untangle the web of influential people woven by Mehta to execute his dubious deals.

Directing a Hit Film: 1965

The 1960s are considered by many to be a golden age of pop culture. Some of the greatest movie classics in India were made during this era. I too made a small film during this period, and it was a super hit.

In 1965 I was in Calcutta (now Kolkata), barely six months in the CBI and still on probation. My boss, AB Chaudhury, SP, CBI, Calcutta, summoned me one day. A senior inspector, NL Bose, was already present in his room. Chaudhury gave me a brief appraisal, a nod and said something that I remember 54 years later. He said: 'You are ready and on your own. Go with Bose. He will brief you.'

I was given the task to direct the film called *My First Trap* or *My First Hunt*, call it what you like.

Government officers entrusted with the duty of providing citizens with services or delivering benefits are often in a position to demand (and receive) bribes from vulnerable citizens who know their job cannot be done without their assistance. Many pay up, but there are a few who resist. They stall, they negotiate and then go a step further and try and entrap the bribe-seeker and get them booked. I was just given one such assignment.

A senior cashier at the Fairlie Place office of the South Eastern Railway (SER) was the corrupt officer I had to catch by laying a trap. A civilian contractor had been doing regular business with the SER for quite a while. His last bill had already been approved and the cheque was ready, but cashier Ghosh was unwilling to hand over the cheque till he got his 'cut.' I was entrusted to catch the cashier red-handed. Laying a trap is an intricate task and only senior experienced officers of the CBI are usually given such an assignment. Remember this happened when there were no emails, phone hackers, CCTV (close-circuit television) cameras or gadgets that enabled the secret bugging of a room. The trap had to be meticulously designed. Actors or agents had to be engaged who would be part of the trap and who would later testify in court as witnesses—they should be able to hear the conversation between the two key players. For me, the task was no less than directing a film. I was young and gung-ho, I plunged into my role.

During my training period in the CBI Academy, I had read about traps but I had never seen a live demonstration. A manual was my only guide. The basic steps were to first size up the person who was to facilitate the

entrapment, in this instance, the civilian contractor. Was he being truthful? Was his motive really what he was claiming it was? Since he was a contractor with the SER, what would become of his professional relations with the organisation after its cashier had been trapped? What would happen if he became known as an associate of the CBI? Was he aware of the consequences of what he wanted?

I also needed to be convinced that he was there to help the CBI nab a criminal and not just to target the cashier to settle a personal grudge. I had to be sure about his motives. Any mistake would mean that the CBI could land itself in an embarrassing position—that would result in a black mark on my professional career. All my background checks had to be done discreetly so that nobody was alerted. I found out that this person indeed had a good track record as a contractor with the SER. He had been regularly getting assignments and was receiving payments as well. I presumed that he also had been regularly paying bribes to the cashier. On probing, he told me he was going to end his relationship with SER and wanted to see the corrupt cashier nailed for all his past transgressions. He sounded like a genuine person. I secured the approval of my boss and I got about the task of netting the victim in a trap.

The preparations were onerous. The place where the money would exchange hands was decided. Two witnesses would watch the ‘action’ without letting anyone suspect why they were there. Luckily, the Fairlie Place office of the SER office was a public place and the presence of a random person (who would act as a witness) would not arouse much attachment. Then came the task of training the main actor, the one who would pay the bribe. He was required not only to pay the bribe, but pay the money only when the recipient asked for it and also ensure that the witnesses could later testify in court that they could hear or see the ‘demand’ for the bribe being made—this was a must to prove culpability during the trial.

I donned the mantle of a film director and got three persons to enact their roles: two witnesses and the one carrying the bribe money. It would have to be proved that the ‘tainted money’ was in the physical possession of the bribe-giver and the bribe-taker. A type of powder was sprinkled over the currency notes. After the cash was exchanged, the hands of the two persons touching the currency notes were dipped in water and turned a bright pink

—were had to literally prove in court that the accused cashier had been caught ‘red-handed.’

The trap worked. The cashier was convicted and imprisoned for six months. The conviction was upheld first by the Calcutta High Court and then by the Supreme Court. From 30 feet away, I watched the ‘scene’ being enacted. The bribe-giver first walked away and then the cashier gestured for him to stop and asked for what he thought was his to have. He was heard by the witnesses and I could read his lips. No amount of cross-examination could shake my testimony. Our evidence was solid. The film was a super hit at the box office.

An Untold Story: 1972

I recall here an exciting story which remains untold. I must confess that I have forgotten many of the details, but I do remember how excited I was anticipating how I would tell the tale to my then young wife. But that opportunity never came. No, my wife is still hale and hearty. What happened then? Wait, let’s start from the beginning.

It was 1972 and I had just moved from Delhi with my wife and our children to take charge of the CBI branch in Kolkata that dealt with offences relating to economic laws. An informant had tipped us that large amounts of black money had been kept in a house owned by a famous woman. He provided us specific details about where the notes were hidden and what the amount was. I was excited. So was my wife who was promised a blow-by-blow account of what would happen.

The arrival of the CBI team to the location created quite a stir. There was bedlam and bluster. Our officers encountered some resistance. Completing the legal formalities took more time than the raid itself. It was past midnight by the time I returned home. As I was travelling, I rehearsed in my mind how I would narrate the events of the day, adding a bit of *masala* here and there for dramatic effect. By the time I reached the iron gate of our colony, I was tired and sleepy. I thought I would relate the story the next working day. I realised my wife was waiting for me when I saw the lights in our bedroom on whereas the rest of the housing colony was in darkness.

I pressed the door buzzer. There was no response. I pressed it again. Again there was no response. I waited for a while. Then pressed the buzzer again and again. By then, our neighbours had woken up. Doors in other flats in the building where we lived had opened and people had come out. Some were rubbing their eyes, while others were puzzled as to why the CBI officer's wife was not opening the doors of the flat where they had moved in barely a fortnight earlier. I was embarrassed. Two youngsters got an idea that they would throw pebbles at the window of our bedroom where my wife and our children were supposed to be. They did. But that did not work. Finally, a few of us used our shoulders and cracked open the door. I rushed to the bedroom. My wife was lying fast sleep, blissfully ignorant of what had happened. Ou children were sleeping next to her. I nudged her. She woke up startled and asked me how I had managed to get in.

It was quite an anti-climax. I told my neighbours not to worry, that everything was fine and that my wife had been sleeping like the mythological Kumbhakarna. I was relieved that she and kids were safe. But the story of the day remained untold, and has remained untold even as this book went to print.

8
LG's Police Advisor Speaks

The National Capital Region of India is sometimes described as the country's crime capital. In this chapter, I relate my experiences as an advisor to the Lieutenant Governor (LG) of Delhi Tejendra Khanna. I joined him as an advisor on 24 July 2007 and was with him for his entire tenure that ended in July 2013. The Home Department of Delhi, which includes the following wings: Delhi Police, Delhi Prisons, Delhi Fire Services and the Prosecution Department, reported to the LG through me during this period. Out of all these departments, the Prosecution Department reported directly to the Law Minister and only a few cases in which the accused persons had been acquitted and an appeal had to be filed, were submitted to the LG for his orders. Even though he did not oversee the work of the department on a day-to-day basis, the poor conviction rate reflected badly on the reputation of the Delhi Police and, indirectly, on the LG as well.

Khanna played an important role in curbing corruption in Delhi and with him, I did my bit. Police personnel in any state are judged by their record in preventing and detecting crime and for successful prosecution of criminals. A successful prosecution rate means a higher conviction rate. The Delhi Police has traditionally fared better than police departments in other metropolitan areas and states in preventing and detecting crimes, but its prosecution track record is poor and therefore, the conviction rate in the national capital is an abysmal 30 per cent out of the 80 per cent of the crimes detected. It needs mention here that the Delhi Police comes directly under the Union government's Ministry of Home Affairs and not the elected state government; and that the LG is a nominee of the central government.

The overall conviction rate in India is a mere 46 per cent which is pathetic, especially when compared to countries like Canada (97 per cent), the United States (75 per cent), the United Kingdom (80 per cent) and China (99 per cent). In most developed countries, the decision to send a case for trial is taken by an independent body known by different names in

different countries. For example, in the US it is the District Attorney and in the UK it is the Crown Prosecution Service. In India, we do not have such a separate body and decisions on whether or not to file a chargesheet and start prosecution proceedings are vested on the investigating officer (IO) of the police department. We in India do have a provision under Section 25A of the CrPC to have a Director of Prosecution (DP) who would be an appointee of the high court and who would have independent powers to go through the evidence thoroughly before deciding to send a case for prosecution. Once appointed, the DP would be empowered to check the material evidence, examine the prosecution witnesses and look into all other aspects of the case before sending it to court. If the DP finds the evidence insufficient or inadequate, he may recommend further investigation. Setting up of the DP is an important reform that the Indian criminal justice system needs.

During his tenure as LG, Khanna made several attempts to set up a DP in Delhi but Chief Minister Sheila Dikshit turned him down. Nonetheless, between 2007 and 2013, he persisted with efforts to improve the detection and prevention of crimes in Delhi. Some of these are noteworthy. In 2007, there were 700 police 'beats' which increased threefold to 2,100 in four years. There was a drop in terrorist activities and crimes against women and the elderly; and the number of motor vehicle accidents came down. A Police Complaints Authority was set up in accordance with the Supreme Court judgment in the *Prakash Singh and Others Vs Union of India* case in 2006. This initiative was the first of its kind in India. Under the Prevention of Corruption Act, citizens could register complaints against the Delhi Police—complaints relating to extortion, harassment, abuse, unlawful detention or arrest. This move helped grievance redressals to a great extent.

Many members of civil society joined hands with the Delhi Police's *Parivartan* ('change') programme which was set up to help women report crimes. Under this programme, female officers were deployed in every police station. Another was the *Yuva* (youth) initiative[50] which helped young people upgrade their skills to lower the crime rates in JJ (*jhuggi-jhopdi* or slum) clusters. This programme was dovetailed with the National Skill Development Corporation (NSDC) and some of the young men and women who were trained joined the police department. Between 2007 and 2013, the Delhi Police detected criminal activities with greater efficiency.

However, when it came to conviction, the police failed to make a mark often on account of non-cooperation from the Delhi government. My belief is that the state government did not want to give up its hold on prosecution.

In recent times, we have witnessed an intensification of the turf war between the current Delhi Chief Minister Arvind Kejriwal and the office of the former LG Najeeb Jung. The Aam Aadmi Party (AAP) led by Kejriwal came to power with a historic majority by winning 67 out of the 70 assembly seats in February 2015. In July 2018, the Delhi government alleged that the entire bureaucracy which was under the central government was on a virtual strike with no civil servant willing to carry out the orders of the state government, thereby paralysing its functioning. The LG was accused of acting in an authoritarian manner at the behest of the Narendra Modi government. Jung had declared as invalid many important postings of civil servants. In particular, he prevented five officers of the Bihar Police from joining the Anti-Corruption Bureau (ACB) that resulted in a protracted legal battle which went in favour of the LG.

Headed by an Additional Commissioner of the Delhi Police, the ACB is an important institution to curb corruption. During my tenure, N Dilip Kumar, an officer with an exemplary record from the Union Territory cadre and who had served as SP of the CBI in Bangalore (now Bengaluru), joined as head of the ACB. Soon after joining, he arrested the Member (Engineering) of the Delhi Jal Board (DJB), a move that upset political leaders. The DJB is headed by the Chief Minister and it was not acceptable to Dikshit that a member of a board she headed would be arrested without her being informed. Dilip Kumar, however, continued to crack down on corrupt bureaucrats with LG Khanna firmly backing him. He is, incidentally, a dear friend of mine.

Kumar made several efforts to improve and strengthen the ACB but all his efforts were thwarted by the political leadership. After his exit, attempts to reduce corruption in the country’s capital city waned. Individual acts of corruption based on specific complaints were still investigated but corrupt practices institutionalised in departments like the social welfare department, the DJB and the Municipal Corporation of Delhi (MCD), all of which were under the scanner of the ACB under Dilip Kumar were no longer sought to be put down. There were malpractices in the selection and appointment of

private firms that were appointed to report and monitor on pollution by commercial vehicles. But these were not stalled by the Dikshit government.

My efforts at giving teeth to the ACB also annoyed the powers that be. In retaliation, baseless allegations were levelled against me and dubious FIRs filed. None of the allegations stuck and I was absolved of all charges of wrongdoing.

LG Khanna was an efficient and meticulous man with organisational skills. He had a keen eye on all attempts to control crime and would regularly issue what he would call ‘bullet points’ which were specific directions. Between 30 April 2008 and 30 May 2013, thousands of directions were issued on improving maintenance of law and order, ensuring security to women, senior citizens and children, improving the flow of vehicular traffic and checking terrorism. Community policing was strengthened. Some of the initiatives were hardly new but it was important to repeatedly emphasise them and make public appeals to citizens to help the police maintain law and order. Delhi is dotted with old monuments which fall under the administrative control of the Archaeological Survey of India (ASI). Khanna ordered that these should be adequately protected. Many other initiatives were implemented to instil greater confidence in the police by ordinary citizens.

In recent months, the image of the Delhi Police in the eyes of the public has taken a big battering. In November 2019, lawyers publicly assaulted police personnel and thereafter, police persons in uniform and in civilian attire demonstrated in front of the headquarters of the Delhi Police, shouted slogans with placards in their hands and even heckled top officers like the Commissioner himself. Such insolent behaviour was unprecedented. The actions and inaction of the police in Jawaharlal Nehru University, Jamia Millia Islamia, Gargi College and Shaheen Bagh have been sharply criticised.

As Officer on Special Duty to the LG, I dealt with the Delhi Police between 2007 and 2013. I personally witnessed the woeful plight of nearly 90 per cent of this 84,000-strong force. Many become, depending on the circumstances, both victims and perpetrators of crimes. Senior police officers belonging to the Indian Police Service (IPS) as well as those from state police services, who join the Delhi Police after working in states like Arunachal Pradesh, Goa, Mizoram and Nagaland and the Union Territories

of Andaman & Nicobar Islands, Lakshadweep and Puducherry, have as their controlling masters the Ministry of Home Affairs (MHA). The IPS cadre that serves Delhi also serves these states and UTs. The bulk of the force is, however, controlled by the state government of Delhi. These police personnel who are junior in rank are recruited by the Home Secretary of Delhi and the LG. In other words, the small section at the top is with the MHA while a bigger section at the bottom is with the state government. This makes the working of the Delhi Police dysfunctional.

The state of Delhi has a Home Minister, a Home Secretary and also an LG. These three, separately and together, almost always interact with the top brass and are rarely concerned about those in subordinate positions. Housing police persons is a huge issue. Ordinary police persons in the ranks of constable, head constable, assistant sub-inspectors and sub-inspectors often work 14 hours a day and have to travel long distances from where they live and rest. Holidays are few and far between. Education facilities are inadequate. Many such police persons come from the states that neighbour Delhi, such as Uttar Pradesh, Rajasthan and Haryana.

There are two institutions set up by the state government for oversight and feedback—a Public Grievances Cell and a Police Complaints Authority. Adverse remarks are invariably made against junior police persons and not their bosses. On top of all this is the biggest source of dysfunction. The elected state government has no say in how law and order is to be maintained and the LG is a political appointee of the Union government who is ‘answerable’ to the Union Home Ministry.

The diarchy that the MHA enforces is behind many of the problems faced by the Delhi Police. The police force in the national capital was relatively small till around 2007. From about a force of 50,000 men, the Delhi Police now deploys some 90,000 individuals. From barely 100 police stations twelve years ago, Delhi now has more than 155. Crimes and court cases have zoomed. From Tis Hazari in north Delhi and Patiala House in central Delhi, there are now courts in Karkardooma in the east, Saket in the south and Dwarka in the west. Prosecution proceedings are conducted by the state government of Delhi whereas investigations are monitored by officers who work under the MHA. This topsy-turvy system is a sure-fire recipe for disaster. These troubles are not going to disappear in a hurry and could well recur in the time to come.

9
Travel Diary

CBI officers get certain benefits which police personnel in states do not, notably the privilege of travelling abroad on official work. I was privileged to have visited several countries and some of these are recounted here.

One afternoon in July 1970, I was called by CBI DIG John Lobo and told to get ready to travel to Iran to investigate complaints about illegal diversion of funds by the resident representative of the public sector Oil and Natural Gas Commission (ONGC) based in Tehran. My assistant and I stayed in the capital of Iran and in Abadan for a month and also travelled to Kuwait. We were helped greatly by the staff of the Ministry of External Affairs (MEA) as well as the local police in Iran and Kuwait. The accused woman employee of the ONGC was nailed by us. We were particularly benefitted by the help given by a young woman of Iranian descent who had studied in Miranda House in Delhi University and worked as a secretary in the ONGC.

Lobo appreciated our work and nine years later, when he was CBI Director and I an SP in Kolkata, he sent me on another foreign trip, this time to Japan. In 1979, a seminar on criminal investigation had been organised by the Japan International Cooperation Agency (JICA) in Tokyo that was attended by delegates from various South Asian and South-East Asian countries. For a month, we participated in numerous seminars and animated discussions took place about virtually all aspects of investigations into crimes and the working of the justice systems in various countries. We also had a great time travelling around Japan. Lavish parties were thrown for us virtually every night. What I remember most about that trip was a visit we made to a Tokyo police station. What struck me at that station, that a vehicle always had its engine running. I was told that it was the chief's car that would be prepared to start and leave at any moment.

It was here that I first saw a fax machine and witnessed police personnel using air-conditioned cars. We in India in 1979 used the services of the good old post office and our rooms had fans not ACs.

* * * * *

I spent three years between 1979 and 1982 in Gangtok, Sikkim. When I was posted there, Sikkim was no longer a protectorate of India. Still, almost the entire population of Sikkim looked upon my family members and I as 'Indians' who had 'annexed' their 'country.' On the surface, they were cordial but most of them had no love lost for anyone from India. By the time I completed my tenure, however, I had built my bridges with many Sikkimese, or so I would like to believe since my departure from Gangtok was preceded by several efforts to keep me stationed there. A gala state banquet was organised to bid me farewell. It was another matter that the Governor of what had by then become a state of India unsuccessfully tried to cut short my tenure. He alleged that I was a 'mole' of the then Prime Minister Morarji Desai who had deputed me. The Governor wanted me to report to him as well my bosses in New Delhi. I told him to speak to the Chief Secretary. He was also irked by the fact that my official residence was in the estate of the Raj Bhawan where he lived. The Intelligence Bureau and my own department could find nothing wrong with me. Still, I was most upset with the Governor's attitude and at one stage, even offered to put in my papers. The CBI Director did not act on my letter and after a four-month leave I joined the CBI office in New Delhi.

In 1983, I visited Abu Dhabi for a series of investigations into violations of export-import control orders by Indian citizens residing in Dubai. I was virtually a one-man army. I received immense help from the Consul-General and the Dubai Police. When I returned, the Joint Director sardonically commented: 'Dubai seems to have suited you. You look prosperous.'

I had indeed worked hard and also partied hard. consequently, I had put on a lot of weight!

I went to the first conference on terrorism organised by Interpol in Paris as leader of the Indian delegation. It was around this time that terrorism was becoming a grave concern globally. In fact, just a few weeks before the

conference in May 1986 there had been a terrorist attack at the Interpol headquarters in Paris.[51] While inaugurating the conference, the Secretary-General of Interpol related detailed account of what had happened. The bomb blast at the headquarters of the global organisation had been organised by a terrorist group that was active in Spain and Germany. The blast had shattered windows and caused damage to the building but there was an interesting part to the story: a statue presented by India of the mythical Lord Krishna, charioteer of Arjuna in the *Mahabharata* had remained intact. 'So, I ordered that the statue be immediately taken to my office and kept there,' the Interpol DG quipped.

At the conference, I shared my experiences in Punjab countering pro-Khalisani terrorists.

From Paris, I went on what turned out to be a two-month trip to the UK, the US and Canada. My wife Sunanda joined me in London. We, who have worked in an organisation like the CBI, get inured to death and destruction and to lesser crimes as well. But on occasions a petty criminal can get the better of us. In the lobby of a hotel in London where we were staying, my briefcase was stolen. It contained our return air tickets, £80 in cash, a camera, theatre tickets as well as a replica of the motto of Scotland Yard, the headquarters of the police. By the evening of the same day, most of the items were recovered and I heaved a sigh of relief. The camera and the currency were missing. Embarassed by what had happened, the London Police had the hotel compensate me £100. I shared a bottle of Chivas Regal with the policemen before going to the theatre—the thief had returned the tickets!

Around the time when I was planning my return to India after completing the probe in Canada, the Royal Canadian Mounted Police (RCMP) investigation into the crash of Air India's Kanishka Boeing aircraft broke new ground. The Canadian investigators believed there was a strong Indian angle to the worst incident of its kind in the history of world aviation.[52] On 25 June 1985, two blasts had taken place. One was inside the aircraft named after the Kushan dynasty emperor Kanishka, that was flying from Toronto to Bombay. It crashed into the Atlantic Ocean killing all 329 passengers and 22 crew members. The second bomb blast took place on another Air India aircraft that was flight from Tokyo to Mumbai. The bomb went off when luggage was being transferred at the Narita International

Airport, Tokyo, killing two baggage handlers. Both blasts were suspected to have been caused by the same Sikh group of extremists operating out of Canada. Inderjit Singh Reyat was the main suspect. He was found guilty of causing the blast at Tokyo, but got away in the case of the blast inside Kanishka on technical grounds.

As the CBI was being roped into the investigation, I was directed to stay back in New York while my wife returned to India. I was joined by AK Suri, SP, and we proceeded to Toronto to team up with the RCMP. Two Indian police officers attached to the Indian High Commissioner, Moloy Dhar and later AP Bhatnagar, also rendered immense help to us.

During one visit to Toronto I attempted to meet my college professor Govind Narayan Sharma. I did not have his address. I asked my colleagues in the RCMP to help me locate him. Though I could not meet Sharma, what I learnt was heartbreaking. In the Kanishka aircraft that crashed were Sharma's brothers and their families who were returning to India after visiting him in Toronto.

In 1987 and 1988, I visited Singapore a number of times. One particular trip was related to a case of kidnapping of diamond merchants and another was to collect evidence on the activities of V Krishnamurthy. Whereas I have detailed the investigation on Krishnamurthy, I have not mentioned the story about the kidnapping of diamond merchants. What took our investigation to Singapore was when we realised that the credit card of one of the kidnapped diamond merchants had been used in that country when we were looking for him in Delhi.

I also travelled to London again in 1988 as part of a delegation of the Ministry of External Affairs to negotiate the Indo-British Extradition Treaty. That year, I visited Ottawa again to negotiate a similar extradition treaty with Canada. Members of our delegation would meet High Commissioner J Chatwal every evening after our talks. He would march us out to the garden of the chancery to brief us because he knew his room was bugged!

The following year, I visited New Jersey in the US for the extradition trial in connection with General Vaidya's killing. The two suspects who were involved in the conspiracy to assassinate him as well as other crimes in Udaipur, Rajasthan and Mumbai were to be extradited. I led the CBI team which included Ajit Doval, who was then a Deputy Director in the

Intelligence Bureau and who is National Security Advisor in the Narendra Modi government.

We were impressed by the security cover provided by the local police during the extradition proceedings. The suspects were brought to court handcuffed and their feet tied in ropes. Fully armed guards manned every vantage point throughout the hearings. We were seated in the seats reserved for the jury. During the trial, the accused vigorously opposed the physical restraints on them and when they appealed before the Superior (Sessions) Court, the judge allowed the manacles and ropes on them to be loosened, not removed.

The defence challenged the expert evidence provided by us on the ground that the exhibits related to the Udaipur case had not been kept in safe police custody before it reached the forensic laboratory and could have been tampered with. We asked the prosecutor in New Jersey to summon the Rajasthan SP, who was a member of our team, to the witness box to testify that the exhibits were always in safe custody. Normally, affidavits are considered sufficient for extradition hearings. This was the first time that the physical presence of witnesses and their deposition and cross-examination took place in an extradition trial. The testimony helped us get extradition orders related to all the cases. Doval was very happy with the outcome of the trip and said: '*Hum apke gun gayenge* (We will sing praises for you).'

The 1989 annual Interpol conference was scheduled to take place in Beijing. But the conference was called off after the international outcry over the massacre of protesting students on 4 June 1989 in Tiananmen Square. Portrayed in poor light, the Chinese authorities went out of their way to place an Indian delegation (of which I was part) related to international trafficking in drugs. We were treated like royalty—fancy cars were provided, sightseeing tours organised and 48-course banquets thrown in.

In 1992, following a letter received by us from Britisher David Warring, we uncovered hitherto-unknown facts about former Planning Commission member V Krishnamurthy and his two sons. Warring offered to provide us documents relating to Krishnamurthy and his son K Chandra. He was also interested in bringing to book Benoy Jacob, son-in-law of former Union Minister CM Stephen, who had set up shell companies along with Krishnamurthy's sons and had used his name in this regard. My colleague

Mahendra Pratap Singh and I went to Hong Kong to look at Warring's documents and examine bank records. Our visit was coordinated by the Interpol office in Hong Kong. On arrival, I handed over to the representative of Interpol a list of Hong Kong residents whom we wanted to meet as part of our investigations. When I was at Warring's residence interviewing him, he received a call from Chandra enquiring about the CBI officers visiting him. He apparently told Warring not to cooperate with us and assured him that all his dues would be paid. Apart from Warring, several other persons of Indian origin had to be interviewed. On seeing the list, the British head of the Interpol Division in Hong Kong made a scathing remark: 'They are all Indians. They will all lie to you.'

In 1995, I went to the UK as part of a government delegation (that included representatives of the RBI and the Ministry of Finance) to study the functioning of the Special Fraud Investigation Office (SFIO) in that country. We recommended that a statutory corporate fraud investigation office be set up in India. In 2003, a SFIO was set up in India under what is currently the Ministry of Corporate Affairs. But this body was established not by an Act of Parliament but by a notification. In my opinion, this is an important institution and it needs a law backed by an Act of Parliament to have powers of arrest and custodial interrogation.

The following year, I went to Abu Dhabi along with the then Secretary (West) in the MEA seeking the extradition of Anees Ibrahim who lived in Dubai. The ruler of Abu Dhabi could easily have handed him over to us. Earlier, an attempt had been made to deport/extradite him from Bahrain where he had been held in custody following an Interpol Red Alert notice that had been issued at our request for his involvement in the 1993 Bombay Blasts case. This attempt failed because Dubai blocked his deportation from Bahrain to India on the ground that he was wanted for crimes in Dubai. The Indian government decided to negotiate with the Emir of Abu Dhabi who presided over the seven United Arab Emirates that included Dubai. Evidently Pakistan and Dawood Ibrahim enjoyed greater clout than India over the Emir who declined to hand over Anees to India.

Last Word: A War Cry

Corruption will go when the large number of persons given unworthily to it realise that the nation does not exist for them to exploit but that they exist to serve the nation. This requires morals, and extreme vigilance on the part of those who are free of the taint. Indifference will be criminal.

— Mahatma Gandhi, 27 January 1948

Storytelling is one of the most powerful tools of humankind to shape history and culture. For millenia, human beings have passed on their knowledge, and wisdom through stories. In this book, I have attempted to use stories to reach out to the youth of India, including 84 million first-time voters. I hope that many of them will be inspired by these accounts drawn from my personal experiences to fight relentlessly against corruption.

After a century of struggle, we won freedom from our British colonial masters. Cutting across ideological and party lines, they were committed to being in the service of the citizens of India. Gandhi, Nehru, Patel, JP, Shyama Prasad Mukherjee, despite their differences, were all persons of great honesty and integrity. But the next generation of leaders were self-seeking. Instead of serving the people of the country, they became rulers seeking power and authority. They want to control access to public property and the nation’s resources. Newspapers and televison channels are filled with advertisements paid for with public money that bear the beaming visages of our political leaders and elected representatives. Welfare schemes are announced and inaugurated with much fanfare but there is little discussion or public dialogue on how well (or how badly) these programmes have been implemented and whether these have reached their intended beneficiaries.

Sadly, we the people of India have been complicit in allowing ethics and values to be debased in pubic life. Many Indian voters are swayed by emotional appeals and are blindly loyal to their leaders. We fail to see our elected representatives as service providers who are accountable to us. Instead of questioning those in authority, we worship them like gods. We have to wake up from this stupor. We got rid of monarchs, feudal lords and our colonial rulers. We must rid our society of politicians who loot what rightfully belongs to all of us. They use our money to get elected and do not want to be answerable to us. And if we don't remove the corrupt from our body politic, we will all continue to suffer.

Through this book, I implore young readers to bring about radical changes in the relationship between elected representatives and citizens. Let us build a real democracy in India. Remember the old saying: Eternal vigilance is the price of liberty. Vigilance means involvement in the process of governance and constant questioning of those in government. We have to view our leaders and civil servants with a sharp eye. Let us all demand that our political parties become more democratic and hold internal elections. Let us seek the right to demand performance reports from our elected representatives and, if required, recall them. Let us seek transparency in political funding and not get fooled by anonymous electoral bonds. And let us demand more independence for the CBI. The list is long and will evolve.

Know this, dear readers, politicians cannot and will not end corruption. The task is upon us.

Footnotes

1 Published in *Illinois Law Review*, Vol. X (1915).

2 R Shamasastry, and Fleet, Dr JF. *Kautilya Arthasastra*. Low Price Publication, Ed. 2012.

3 The Regulating Act – 1773. http://www.indhistory.com/regulating-act.html

4 E. Thompson. Macmillan and Co. Limited, St Martin Street London. 1935. https://archive.org/details/in.ernet.dli.2015.210780/page/n5

5 *The Telegraph*, UK, 28 April 2004.

6 *CBI: In Service of Nation*, Coffee Table Book. Pg 28.

7 Manmohan Singh on note ban: 'It was an organised loot, legalised plunder; broke the back of small businesses'; *The Indian Express*, 7 November 2007. https://indianexpress.com/article/india/manmohan-singh-gst-demonetisation-note-ban-narendra-modi-4926385/

8 Bhatnagar, Gaurav V. 'In RTI Replies, Evidence of How Modi Dragged His Feet on Lokpal Appointment.' The Wire. 21 December 2018. https://thewire.in/government/for-all-its-anti-corruption-rhetoric-modi-govt-has-been-dragging-its-feet-on-lokpal

9 Varma, Pavan. K. 'View: Electoral bonds and FCRA amendments pave the way for unaccounted political funding'. *The Economic Times*. 31 March 2018. https://economictimes.indiatimes.com/news/politics-and-nation/view-electoral-bonds-and-fcra-amendments-pave-the-way-for-unaccounted-political-funding/articleshow/63553978.cms

10 Foreign funding of political parties after 1976 exempted from scrutiny. *The Business Line*, 15 March 2018. https://www.thehindubusinessline.com/news/national/foreign-funding-of-political-parties-after-1976-exempted-from-scrutiny/article23263844.ece

11 CBI a caged parrot speaking in its master's voice: SC. *The Hindu*, 9 May 2013. https://www.thehindu.com/todays-paper/tp-in-school/cbi-a-caged-parrot-speaking-in-its-masters-voice-sc/article4697433.ece

12 26 years on, justice for 98-year-old Sikand. *The Times of India*, 29 April 2008. http://timesofindia.indiatimes.com/articleshow/2993126.cms

13 Krishna Sikand murder case: Col. Chaudhury acquitted. *The Hindu*, 17 May 2009. https://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/Krishna-Sikand-murder-case-Col.-Chaudhury-acquitted/article16598030.ece

14 Wikipedia. Ram Subhag Singh.

15 Subramanian, S. Long View: India's Very First Corruption Scandal. *The New York Times*, 9 May 2012. https://india.blogs.nytimes.com/2012/05/09/long-view-indias-very-first-corruption-scandal/

16 Chagla, MC, *Roses In December*. Bhartiya Vidya Bhavan, Bombay.

17 A haunting memory, Gopal Krishna Gandhi, 31 May 2013, *Hindustan Times* https://www.hindustantimes.com/columns/a-haunting-memory/story-QftyfD30mjf6k6v096imbO.html

18 Malhotra, I. The Mundhra Affair. *The Indian Express*, 12 December 2008.

19 A haunting memory, Gopal Krishna Gandhi, 31 May 2013, *Hindustan Times.* https://www.hindustantimes.com/columns/a-haunting-memory/story-QftyfD30mjf6k6v096imbO.html

20 Malhotra, I. Before Ramalinga Raju, there was Dharma Teja. Rediff, 12 February 2009. http://www.rediff.com/money/2009/feb/12-before-raju-there-was-dharma-teja.htm

21 *Pirates of The Caribbean* is a commercially successful Hollywood film franchise produced by Jerry Bruckheimer based on Walt Disney's theme park of the same name.

22 Thapa, J. Vijaya. Ex-minister remains defiant as he faces jail term for sheltering Dawood associates, *India Today*, 29 February 1996. https://www.indiatoday.in/magazine/special-report/story/19960229-

ex-minister-remains-defiant-as-he-faces-jail-term-for-sheltering-dawood-associates-833063-1996-02-29

23 Ghimire, Y. Rao Implicated Me To Save His Son. *Outlook*, 17 April 1996. https://www.outlookindia.com/magazine/story/rao-implicated-me-to-save-his-son/201214

24 Pachauri, P. CBI transformed into a political tool of the ruling party. *India Today*, 15 September 1989. https://www.indiatoday.in/magazine/special-report/story/19890915-cbi-transformed-into-a-political-tool-of-the-ruling-party-816523-1989-09-15

25 Senior CBI bureaucrat O.P. Sharma suspended on corruption charges, *India Today*, 31 July 1991. https://www.indiatoday.in/magazine/indiascope/story/19910731-senior-cbi-bureaucrat-o.p.-sharma-is-suspended-on-corruption-charges-814638-1991-07-31

26 1991 Jain hawala case: Ex-DIG sentenced to jail for taking bribe. *The Times of India*, 25 March 2013. https://timesofindia.indiatimes.com/india/1991-Jain-hawala-case-Ex-DIG-sentenced-to-jail-for-taking-bribe/articleshow/19194100.cms

27 Shefali, R. CBI fails to nail V. Krishnamurthy in securities scam, follows up probe into other charges. *India Today*. 30 June 1994. https://www.indiatoday.in/magazine/economy/story/19940630-cbi-fails-to-nail-v.-krishnamurthy-in-securities-scam-follows-up-probe-into-other-charges-809333-1994-06-30

28 Krishnamurthy was heading a committee set up by Finance Minister Manmohan Singh to look into the procedure for disinvestment and suggest alternative routes.

29 Khan, A. Life Term For One In Syed Modi Murder Case. *The Hindu*, 23 August 2009. https://www.thehindu.com/todays-paper/tp-national/Life-term-for-one-in-Syed-Modi-murder-case/article16539339.ece

30 Pradhan, S. Battle of Amethi II. *India Today*. 11 August 2004. https://www.outlookindia.com/magazine/story/battle-of-amethi-ii/291562

31 India, world's second-largest urea user, seeks to end imports in 5 years, *The Economic Times*, 17 April 2017. https://economictimes.indiatimes.com/news/economy/agriculture/india-worlds-second-largest-urea-user-seeks-to-end-imports-in-5-years/articleshow/58219438.cms

32 Feroz Khan Introduced Sanjay Dutt To Dawood Ibrahim. Lehren Diaries. https://www.youtube.com/watch?v=s7HzTZO7AzA

33 To Hell and Back, Chris Rodley, United Kingdom, 1996. https://www.youtube.com/watch?v=xNl_8HxpyjI

34 1993 Mumbai blasts: A timeline of events that led to the conviction of Abu Salem, others. LiveMint. 16 June 2017. https://www.livemint.com/Politics/zv0noZRc5OZ47pLnhqFoJK/1993-Mumbai-serial-blasts-case-A-timeline-of-incidents-lead.html

35 'Sitreps' or situation reports of all others detained, incidentally, showed detention was outside the fighting zone and no arms were on them. This factor played a role in the decision that set them free.

36 Sohrabuddin Sheikh, a petty criminal, was killed near Gujarat's Gandhinagar in November 2005 by Gujarat police officers who called him a terrorist. His wife Kausar Bi was also killed. Tulsiram Prajapati, who was accompanying the couple and became a witness to the crime, was killed a year later. Amit Shah along with several police officers were named as the main accused by the CBI.

37 No. 1 vs No. 2: War in CBI is out in the open, Sushant Singh, *The Indian Express*. 16 July 2018. https://indianexpress.com/article/india/no-1-vs-no-2-war-in-cbi-is-out-in-the-open-5261171/

38 CBI files FIR against Spl Director Asthana. *The Pioneer*, 21 October 2018. https://www.dailypioneer.com/2018/page1/cbi-files-fir-against-spl-director-asthana.html

39 Sarin, R. A lower low. *The Indian Express*, 26 October 2018. https://indianexpress.com/article/opinion/a-lower-low-5418861/

40 Decoding the Rafale deal: From allegations to Counter allegations. NDTV, 29 August 2018. https://www.ndtv.com/india-news/decoding-rafale-deal-from-allegations-to-counter-allegations-1908313

41 Sohrabuddin case: Why didn't CBI approach higher court against Amit Shah, asks Congress. Firstpost, 30 March 2015. https://www.firstpost.com/politics/sohrabuddin-case-didnt-cbi-approach-higher-court-amit-shah-asks-congress-2180335.html

42 Bofors case: CBI moves SC against Delhi HC order quashing charges against accused. *Hindustan Times*, 2 February 2018. https://www.hindustantimes.com/india-news/bofors-case-cbi-moves-sc-against-delhi-hc-order-quashing-charges-against-accused/story-T8CoOnle7UdhFDoTmDRuQL.html

43 Supreme Court refuses CBI appeal to reopen Bofors case over delay in filing appeal. *Hindustan Times*, 2 November 2018. https://www.hindustantimes.com/india-news/supreme-court-refuses-cbi-appeal-to-reopen-bofors-case-over-delay-in-filing-appeal/story-adan1BuzGPggk9H9TwqwLL.html

44 Astounding deposition in the final days of Sohrabuddin Trial. *The Telegraph*, 26 November 2018. https://www.telegraphindia.com/opinion/one-of-last-prosecution-witnesses-in-sohrabuddin-case-names-amit-shah-dg-vanzara-and-rajkumar-pandian-among-principal-conspirators/cid/1676494

45 Iyer, S. Nirav Modi, accused of swindling $1.8 billion, was with Narendra Modi at Davos. Quartz, 15 February 2018. https://qz.com/india/1208133/punjab-national-bank-fraud-nirav-modi-accused-of-swindling-1-8-billion-was-with-narendra-modi-at-davos-just-weeks-ago/

46 Kumar, A. Death of an SHO. *The Indian Express*, 6 December 2018. https://indianexpress.com/article/opinion/columns/death-of-an-sho-subodh-kumar-singh-cow-slaughter-vigilantes-mob-attack-bulandshahar-killing-5480391/

47 Vineet Narain & Others vs Union of India & Another on, Supreme Court, 18 December 1997.

48 Apart from these arrests in Pimpri, several other terrorists were arrested in connection with General Vaidya's murder, as well as other crimes. After long drawn-out investigations in 1989, Sukhdev Singh Sukha and Harjinder Singh Jinda (who had been arrested from Delhi) were sentenced to death and executed on 9 October 1992.

49 Gurudas Dasgupta (1993). *The Securities Scandal: A Report to the Nation*, People's Publishing House.

50 Delhi Police Initiative in Community Policing – YUVA Skill Development Program under PMKVY Scheme. http://yuva.delhipolice.gov.in/about-us.html

51 Interpol Office In Paris Attacked, *The New York Times*, 17 May 1986. Web Archives. https://www.nytimes.com/1986/05/17/world/interpol-office-in-paris-attacked.html

52 All you need to know about the Kanishka air crash, the worst aviation terrorism in history. *India Today*, 28 January 2016. https://www.indiatoday.in/fyi/story/kanishka-air-crash-of-1985-worst-aviation-terrorism-in-history-305885-2016-01-28

About the Author

Shantonu Sen

Born on 27 April 1938, Shantonu Sen belonged to a well-known family of Bengalis based in Jaipur, Rajasthan, where he spent much of his childhood, adolescence and youth. Educated in St. Xavier's School and Maharaja College in the 'pink city,' he moved to Hindu College, University of Delhi, where he completed a master's degree in English Literature. Unsure of the trajectory of his career, he became a teacher of the subject he studied. In 1963, he was admitted to the first batch of officers to be directly recruited by the Union Public Service Commission to work in the Delhi Special Police Establishment that went on to become the Central Bureau of Investigation (CBI).

He rose through the ranks in the CBI, was posted in different parts of India and travelled across the world, to France, China, the United Kingdom, Germany, Canada and Singapore, among other countries. He received the Police Medal for meritorious service in 1986 and the President of India's Police Medal for distinguished service in 1992. He retired from the post of Joint Director in 1996 after 33 years of service in the CBI.

During his career, he investigated some of the most sensational and well-known criminal cases that hogged headlines in the country. After retirement, he worked in various capacities, including as an adviser to the Lieutenant Governor of Delhi and as a consultant to different companies in the public and private sectors. In 1998, together with Harsh Sethi, Editor, Seminar monthly and noted sociologist Shiv Visvanathan, he put together a book titled "Foul Play: Chronicles of Corruption" that compiled 18 true stories of corruption in India in the half-century between 1947 and 1997. He writes articles and columns for various publications and features frequently as a commentator on television news channels.

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Born in Jalpaiguri, West Bengal, Sanjukta Basu is a New Delhi-based, 42-year-old writer, photographer and feminist scholar. She has worked as a communications consultant in non-profit organisations and has practiced law. She currently writes on women's issues, politics and minority rights. Her literary and photographic work has been published in media outlets across the globe, including in *Firstpost*, *Huffington Post*, *DailyO*, *Outlook* and *The Wire*. One of India's early digital activists since 2006, her articles have received over 700,000 unique page views.

In 2009, she was awarded the TED Fellowship for blogging and digital activism. She is also a public speaker and trainer. She is part of the Karwan E Mohabbat collective led by Harsh Mander and has travelled across India to document stories of hate crimes. At present she is pursuing a Ph.D in gender studies.

She worked with Shantonu Sen for a year to research and write this book.

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